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Review of the efficiency of the administrative and financial functioning of the United Nations

Common services

Report of the Secretary-General

Summary

Pursuant to General Assembly decision 55/469 of 12 April 2001, the Secretary-General has the honour to submit the present progress report on the activities of the Task Force on Common Services as a follow-up to the report of the Secretary-General of 9 October 2000 (A/55/461).

The Task Force on Common Services, which was established as part of the Secretary-General's reform measures in March 1997, continues to be convened by the Assistant Secretary-General for Central Support Services in his capacity as Executive Coordinator for Common Services, and its core members, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the United Nations Office for Project Services. In addition, the World Food Programme (WFP), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) participate as observers. The Executive Coordinator has been assisted by the Common Services Support Unit, which is jointly financed by the core members of the Task Force. The Task Force has continued to produce tangible results in four working groups: archives and records management; personnel services; procurement services; and travel and transport services. In addition, the working groups on facilities management and security and safety services have evolved into inter-agency networking forums: the Inter-Agency Facilities Manager Network and the United Nations Security and Safety Services Network, respectively. The Common Services Support Unit attached to the Executive Coordinator has been providing support to the United Nations Development Group for its common services pilot programme for country offices. The Unit also provides continuous support to

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common services initiatives in other locations, including Bangkok, Geneva, Nairobi and Tokyo. The Task Force has now determined that the jointly financed Common Services Support Unit, which was originally scheduled to be phased out in August 2002, should continue its work for another year to carry out joint initiatives in archives and records management and in procurement services, as well as to backstop the networking forums.

The Task Force does not envisage further continuation of the project beyond August 2003. This will mark the completion of the Secretary-General's track II reform measures in common services. The Task Force will, however, continue to meet on a periodic basis to ensure that common services efforts are continuing and that inter-agency coordination is strengthened, including the expansion of networking arrangements in other areas, covering not only the New York-based organizations, but also the specialized agencies and international and regional financial institutions.

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I. Introduction

A. Background

1. The report of the Secretary-General of 14 July 1997, entitled "Renewing the United Nations: a programme for reform" (A/51/950), established the legislative mandate of the current common services initiative. The Office of Internal Oversight Services, in its review of common services (A/54/157), outlined possible constraints in the implementation of the Secretary-General's reform initiative, taking into consideration the different mandates and operational processes of the United Nations organizations, the culture of turf protection and the occasional lack of coordination and interaction at the senior levels of the organizations.

2. Initially, common service initiatives were focused on New York-based organizations directly under the authority of the Secretary-General. An Inter-Agency Task Force on Common Services was established as part of the Secretary-General's track II reform measures. The "Common Services Strategy Paper", issued in January 1998, continues to serve as an overall guideline for common services activities for the Organization. The status and progress of common services efforts were reported in the report of the Secretary-General of 9 October 2000 (A/55/461).

3. Pursuant to General Assembly decision 55/469, the present report has been prepared to inform Member States of further progress made and on the future direction of the Task Force on Common Services.

B. Task Force on Common Services

4. The Task Force on Common Services continues to be chaired by the Assistant Secretary-General for Central Support Services in his capacity as Executive Coordinator for Common Services. The core membership of the Task Force consists of the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the United Nations Office for Project Services. The World Food Programme (WFP), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) participate as associate members. In addition, the Office of Legal Affairs and the Management Policy Office of the Department of Management attend as associate members.

5. As explained in the report of the Secretary-General of 9 October 2000 (A/55/461), the Task Force established a two-year cost-sharing arrangement for purposes of funding a Common Services Support Unit in the Executive Coordinator's office. The agreement called for the Secretariat to fund 40 per cent, and for the participating funds and programmes to share the remaining 60 per cent of costs. These arrangements have been extended for one year, through August 2003, to complete further joint initiatives in the areas of archives and records management, travel/transport services and procurement services.

C. Common Services working groups

6. As explained in the report of the Secretary-General (A/55/461, para. 15), the Task Force on Common Services originally established 11 technical working groups on: legal services; financial services (treasury); procurement services; printing services; facilities management; travel and transport services; archives and records management; security and safety services; personnel services; the Integrated Management Information System (IMIS); and information technology and telecommunications. Of these 11 groups, four remain operational: archives and records management; procurement services; personnel services; and travel and transport services.

7. The annex to the present report provides a summary table on the status of the technical working groups, as originally presented in the report of the Secretary-General. The table has been revised to reflect the achievements of individual working groups since their establishment and outlines their future activities.

1. Archives and records management

8. The programme for establishing harmonized policies and processes in the appraisal and classification of United Nations archive documentation was initiated in August 2001, with the goal of establishing a baseline database of all archivable records of the Secretariat and the four participating organizations. In addition, the programme aimed to define a common approach to identifying core records

and developing standard retention and destruction schedules.

9. In addition, the Task Force established a digital archives project, which is to be implemented in three phases. Phase 1, initiated in August 2001, is to review earlier United Nations studies and establish a statement of work. Phase 2, which should begin in August 2002, will focus on the development of a strategic plan. Phase 3 will focus on the implementation of the strategic plan, including hardware, software and staff training requirements.

2. Procurement services

10. The working group on procurement, now under the direction of the Secretariat, has established joint long-term contracts in the areas of office stationery supplies, photocopier leasing, bulk paper and telephone services and has negotiated a global freight forwarding contract. The group is currently developing new inter-agency requests for proposals for SITA, printing services, office furniture and basic information technology hardware and software requirements. Meanwhile, the United Nations has allowed other organizations of the common system and the specialized agencies to access its current long-term commercial agreement on anti-virus software. The World Bank, WFP, the Economic and Social Commission for Asia and the Pacific, the United Nations International Computing Centre in Geneva, the United Nations Office for Project Services and the United Nations Compensation Commission benefit from this cost-saving common service arrangement.

11. The working group is also looking into the development of lead-agency procurement arrangements. A memorandum of understanding between the United Nations, UNICEF, UNFPA, WFP and UNHCR is being drafted to define a modus operandi and identify lead agencies for each commodity and service, including transport, medicinal supplies, emergency shelter and field communications.

12. In order to facilitate this arrangement, common contract review criteria and protocol arrangements will be developed to ensure that the participating organizations function within agreed oversight controls based on the revised financial regulations and rules for procurement. This specific initiative is under the leadership of the Secretariat.

13. The procurement working group has recently developed a pilot inter-agency procurement portal (http://unbiz.un.int), which is hosted by the Secretariat. The portal provides a single window for commercial suppliers to have access to the individual procurement web sites of participating organizations and agencies. The portal will be enhanced and facilitate future opportunities for e-commerce.

14. The procurement working group continues to maintain its linkage with the Inter-Agency Procurement Working Group on a number of issues, including the increased professionalism in procurement through staff training and certification.

3. Personnel services

15. The working group on personnel services is currently convened by the Secretariat. Since its establishment, the participating organizations have agreed to adopt harmonized policies on home leave travel, business class travel entitlements and the application of the daily subsistence allowance. The group is working to harmonize entitlements for field personnel at high-risk duty stations, under the leadership of UNICEF, and is currently looking into new human resource issues that relate to work/life matters, such as spouse employment, telecommuting, childcare and paternity leave.

4. Travel and transport services

16. The working group for travel and transport services, which is convened by UNICEF, has focused on completing a new travel contract for the five New York-based organizations. Some delay was encountered in the formal signing of the contract agreement as text clarifications were required on some legal clauses. The contract has been signed and quality service reviews between the working group and the travel services provider are to be held in September 2002.

17. More recently, the working group members have agreed to explore the possibility of having a commission audit to be applied to the travel services provider. The objective would be to review current revenue arrangements between the travel services provider and the airlines and to ensure that the United Nations is receiving the appropriate revenue percentage as stipulated in the contract. The focal point for this audit initiative is UNDP.

18. The working group intends to establish a corporate credit card arrangement to ease payment modalities with the travel contractor and look into a similar travel card arrangement based on a pilot exercise by UNDP. A system-wide household and personal effects shipment contract is to be completed in November 2002. The final contract arrangement will then be shared with the specialized agencies that have expressed interest in participating.

D. Inter-agency networking

19. In line with the recommendation of the Advisory Committee on Administrative and Budgetary Questions pertaining to the Overseas Property Management Information Exchange Network (see A/55/7/Add.1), a new inter-agency forum combining the mandates of both the discontinued working group for facilities management and the Information Exchange Network was established in March 2001 and renamed the Inter-Agency Network of Facilities Managers. This network, which is coordinated by the Secretariat, meets annually with the participation of United Nations funds and programmes, the specialized agencies and international and regional financial institutions. The network has addressed issues pertinent to the Capital Master Plan, the safety and security of Headquarters facilities and premises, results-based budgeting and long-term strategic planning.

20. The working group on security was discontinued by the Task Force in 1999 with a recommendation that a broader inter-agency networking arrangement be established to address issues specific to the safety and security of Headquarters facilities and premises. Accordingly, the Inter-Agency Security Networking Group was established in February 2001. The Group has developed and adopted generic policies on core competencies of security officers, specialized skills training and development.

21. In 2001, the High-Level Committee for Management created the Inter-Agency Security Management Network to develop inter-agency coordination on country-office staff security and protection in support of the Office of the United Nations Security Coordinator.

22. The Executive Coordinator confirmed that there was a continued need for the Inter-Agency Security Networking Group to address security and safety of the Headquarters facilities and premises, separate from the staff security and protection responsibility of the Office of the Security Coordinator. Subsequently, the Networking Group was renamed the United Nations Security and Safety Services Network. The Network has a core membership composed of the Secretariat, the regional commissions and the United Nations tribunals and treaty offices. The funds and programmes, the specialized agencies, the international financial institutions and other international institutions, including INTERPOL, participate as associate members. At the meeting of the Security and Safety Services Network in Nairobi in June 2002, participants agreed to develop tangible outputs, including Security Officer training manuals; career development guidelines; an inter-agency web site; generic recruitment criteria; emergency checklists; physical fitness standards; minimum operating standards for United Nations facilities; and various formats for networking.

23. Overall, there is a rising demand for inter-agency collaboration as more organizations and agencies realize the value of networking. Increasing interest has been expressed in creating similar networking arrangements in the areas of archives and records management and travel services. These possibilities will be considered by the Task Force.

E. Activities of the working group on treasury

24. The working group on treasury (ex-financial services) was discontinued in December 2001. Before its abolishment, the group issued and adopted a United Nations policy on treasury investments and generic financial policy guidelines related to the best practices for the control of cheque issuance and cash management. The group also reviewed an initiative to explore the possibility of establishing a common "back office" operation for the treasury activities, however, the proposal was eventually abandoned as not practical at this time.

F. Outreach and coordination

25. The Task Force on Common Services continues to provide full support to the United Nations Development Group, which is comprised of UNDP,

UNICEF, UNFPA and WFP, in their common services initiatives at the country-office level. As part of its continued assistance, the Common Services Support Unit has assisted the Development Group in developing a training course on common services for country offices for a pilot programme in eight countries. Support was extended to the first country-office common services pilot workshop held in the Philippines in February 2002.

26. In 2001, the Executive Coordinator undertook an official visit to the United Nations Office at Nairobi to follow up on local in-house common services initiatives. The United Nations Office at Nairobi has established an Inter-Agency Administrative Coordination Committee, co-chaired by the Office and UNDP, which is composed of representatives from the funds and programmes and the specialized agencies with offices at the Gigiri complex in Nairobi. Preliminary efforts, under the lead of the United Nations, have focused on the areas of security, procurement services, medical services, information technology and legal services. Similar common services missions to both the Economic and Social Commission for Asia and the Pacific and the United Nations University in Tokyo were also carried out in 2001 to support joint in-house initiatives.

27. Advisory support from the Common Services Task Force was extended to the United Nations Office at Geneva, which has recently established an Inter-Agency Management User Committee for common services chaired by the United Nations and comprised of the executive heads of Geneva-based United Nations organizations and the specialized agencies. The Management User Committee has set up a Geneva Task Force on Common Services, chaired by the World Health Organization (WHO), to oversee the development and implementation of inter-agency operational activities and technical services.

II. Future activities

28. The Task Force has agreed to extend the present cost-sharing arrangement to support the activities of the Common Services Support Unit in New York until August 2003, and has approved additional funding for the digital archives project and the inter-agency procurement portal. The Task Force is expected to conclude this cost-sharing arrangement by August 2003. The chairs of the working groups will continue to oversee their current project activities and the phasing-down of their group functions. The Task Force will continue to meet on a periodic basis to oversee the progress of the remaining working groups and will also consider additional funding requests on a case-by-case basis for the support of specific working group project activities that have shown tangible progress and demonstrated benefits to the organizations concerned.

29. The Task Force will continue its collaboration with the United Nations Development Group Management Committee in the implementation of common services at the country-office level. Coordination between the Task Force and the Development Group will be further enhanced when phase 2 of the Group's common services roll-out plan is implemented. This phase is expected to focus on the development of common services in countries where the regional commissions and the Department of Peacekeeping Operations are represented alongside the Resident Coordinator system.

30. It is believed that the time has come to review and assess the prudence of the current dual-track approach of the Task Force on Common Services and the United Nations Development Group Management Committee. The Task Force and the UNDG Management Group are composed of the same organizations and members, although their geographical coverage is different. It would be beneficial to consider having one overall coordination group to oversee common services initiatives at both the Headquarters and country-office levels.

31. A consolidated common services programme approach would expedite the harmonization of policies and procedures among the participating organizations. It would ease the development and implementation of standard policies and facilitate innovative project activities. A single overall coordination body would bring forth the vision of having tangible inter-agency coordination and implementation in both the policy and operational levels under one integrated programme approach. A merging of both the Task Force on Common Services and the United Nations Development Group Management Committee would facilitate the next level of United Nations common services.

32. This current report reflects the culmination of the 1997 Secretary-General's track II (strategy six) reform initiative, as outlined in A/51/950. The earlier report of

the Secretary-General (A/55/461) cited the limitations of an informal approach given the lack of specific top-down directives from the various participating organizations. In contrast, the successes attained since 1997 are a result of a positive willingness and cooperative effort on the part of the United Nations organizations to work together and explore new programmes of cooperation. The results achieved far exceed expectations, particularly in consideration of the major constraints outlined in the report of the Office of Internal Oversight Services (A/54/157).

III. Conclusion

33. **The General Assembly is requested to take note of the report of the Secretary-General on the achievements attained in the implementation and completion of the Secretary-General's 1997 track II (strategy six) reform initiative on common services, including a possible future consolidation of common services initiatives that fall under the Task Force on Common Services and the United Nations Development Group Management Committee.**

Annex

Status of the technical working groups of the Task Force on Common Services

Working group	*Chairperson*	*Achievements to date (year)*	*Future targets*
1. Archives and records management	United Nations Secretariat/UNICEF	1. Archives appraisal project (2001) 2. Digital archives project Phase 1 (2001)	*Ongoing* — 1. Digital archives project phases 2-3, 2. United Nations Archives/Research Centre
2. Facilities management	UNDP	1. Aperture link on space management (2000) 2. Energy audits, common policy on disposal of personal computers (2000)	*Discontinued*, replaced by the Inter-Agency Network of Facilities Managers
3. Treasury (ex-Financial Services)	United Nations Secretariat	1. Development of a United Nations treasury investment policy (2001) 2. Inter-agency guidelines on cash management, cheque and foreign exchange transactions (2000)	*Discontinued* due to further lack of interest by the funds and programmes
4. Integrated Management Information Systems (IMIS)	United Nations Secretariat	Governance common services framework and management structure for IMIS together with funds and programmes (2001)	*Completed*, now a common services facility. Functions replaced by IMIS
5. Information technology and telecommunications (ITT)	United Nations Secretariat		*Discontinued*, replaced by the new information communications technology initiative
6. Printing services	United Nations Secretariat		*Discontinued* due to lack of interest by the funds and programmes
7. Personnel services	United Nations Secretariat	Common policy on human resource entitlements pertaining to daily subsistence allowance, Business Class travel and home leave period (2000)	*Ongoing* — 1. Harmonization of Series 300 entitlements and entitlements for hardship duty stations, 2. Work/life issues
8. Procurement services	United Nations Secretariat	1. Revised financial regulations, rules for procurement (1999) 2. Various common procurement contracts and services (1999-2001) 3. Procurement portal development (2001) 4. Common contract freight forwarder (2000)	*Ongoing* — 1. Inter-agency lead procurement arrangements, 2. Portal development (e-market), 3. Professional procurement training, 4. Joint contracts

Working group	*Chairperson*	*Achievements to date (year)*	*Future targets*
9. Travel and transport services	UNICEF	1. New contract for United Nations travel services (2000) 2. Harmonization travel entitlements with working group on travel/transport (2000)	*Ongoing* — 1. Corporate credit card arrangement, 2. Travel card arrangements
10. Legal services	United Nations Secretariat		*Discontinued*, alternative Office of Legal Affairs client/user arrangements in place
11. Safety and security services	United Nations Secretariat	Standard policy on uniforms, use of physical force and firearms (2000)	*Discontinued*, replaced by the United Nations Security and Safety Services Network

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Environment and sustainable development

Implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa

Report of the Secretary-General**

Summary

By its decision 1/COP.5 the Conference of the Parties to the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa decided to establish the Committee for the Review of the Implementation of the Convention and defined its terms of reference as a subsidiary body of the Conference to assist it in regularly reviewing the implementation of the Convention. Accordingly, the Convention secretariat has undertaken various steps to facilitate the reporting process as well as to make the necessary arrangements with the country that will host the first session of the Committee.

As at June 2002, 57 affected countries have finalized the elaboration of their national action programmes to combat desertification (NAPs). In most cases, these NAPs have been adopted by the respective Governments. At the subregional and regional levels, seven subregional action programmes and four regional action programmes have been finalized.

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** The submission of this report was delayed in order to incorporate the results of consultations within the Organization.

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The secretariat of the Convention together with the secretariats of the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity have established a Joint Liaison Group in order to strengthen coordination between the three instruments and to explore options for further cooperation, including the possibility of joint work plans to enhance synergies among them.

In April 2001, the Under-Secretary-General for Economic and Social Affairs and the Executive Secretary of the United Nations Convention to Combat Desertification convened a Panel of Eminent Personalities to consider the poverty — environment nexus in the context of the timely and effective implementation of the Convention and with the aim of contributing further to the debate leading to the World Summit on Sustainable Development.

The Panel held two meetings, prepared a report entitled "The United Nations Convention to Combat Desertification: A Useful Tool for Sustainable Development and Poverty Alleviation" and launched an appeal, the Agadez Call.

The General Assembly, in its resolution 56/196, encouraged the Conference of the Parties to the Convention and the Council and Assembly of the Global Environment Facility to work cooperatively and effectively to facilitate the financing of the implementation of the Convention. The General Assembly, at its fifty-sixth session, congratulated the Council of the Facility for its decision to recommend making land degradation (desertification and deforestation) a new focal area of the Facility. The Assembly of the Facility, due to meet in Beijing in October 2002, is expected to endorse the Council's recommendation.

As of 15 June 2002, instruments of ratification, acceptance, approval or accession have been deposited by 179 States and one regional economic integration organization.

I. Introduction

1. In its resolution 56/196, on the implementation of the United Nations Convention to Combat Desertification, the General Assembly requested the Secretary-General to report to the Assembly at its fifty-seventh session on the implementation of that resolution. The present report is submitted in compliance with that request.

2. In the same resolution, the General Assembly noted the establishment of the Committee for the Review of the Implementation of the Convention as a subsidiary body of the Conference of the Parties to the Convention and invited parties and other actors to participate in the first session of the Committee.

3. The General Assembly also encouraged the conferences of the parties and the secretariats of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, the Convention to Combat Desertification and other international instruments related to environment and sustainable development to continue their work on enhancing mutual complementarities and to strengthen cooperation with a view to facilitating progress in the implementation of those conventions at the international, regional and national levels and to report thereon to their respective conferences of the parties.

4. The General Assembly at its fifty-sixth session approved the continuation of the current institutional linkage and related administrative arrangements between the United Nations Secretariat and the secretariat of the Convention to Combat Desertification for a further five-year period, to be reviewed by the General Assembly and the Conference of the Parties not later than 31 December 2006.

II. Implementation of General Assembly resolution 56/196

A. Committee for the Review of the Implementation of the Convention

5. By its decision 1/COP.5, the Conference of the Parties decided to establish the Committee for the Review of the Implementation of the Convention and defined its terms of reference as a subsidiary body of the Conference to assist it in regularly reviewing the implementation of the Convention. Accordingly, the Convention secretariat has undertaken various steps to facilitate the reporting process in preparation for the first session of the Committee.

6. Following the generous offer of the Government of Italy (see section F below), the first session of the Committee will be held in Palermo from 18 to 29 November 2002 for the purpose of reviewing updates to reports already available and/or new reports from all regions. In this regard, 160 reports were submitted to the secretariat by affected country parties (47 from Africa, 32 from Asia, 28 from Latin America and the Caribbean, 17 from Europe and others), relevant organs, funds and programmes of the United Nations system (11), intergovernmental organizations (8) and developed country parties (17).

7. In addition, the Conference decided, as outlined in decision 1/COP.5, that the review process should benefit from regional inputs through consultative meetings. In order to accomplish this requirement, four regional meetings corresponding to the regional implementation annexes were scheduled as follows:

- Asian Regional Meeting for the Review Process, Damascus, 8-12 July 2002
- African Regional Meeting for the Review Process, Windhoek, 15-19 July 2002
- Regional Meeting for Northern Mediterranean, Central and Eastern European and other affected country parties on the Review Process, Geneva, 22-26 July 2002
- Latin America and the Caribbean Regional Meeting for the Review Process, Bridgetown, 29 July-2 August 2002.

8. The secretariat has compiled, synthesized and provided a preliminary analysis of the reports submitted by parties and observers and the reports on regional inputs, along thematic priorities identified by the parties, for submission to the Committee.

9. The key thematic topics for the review, are as follows:

(a) Participatory processes involving civil society, non-governmental organizations and community-based organizations;

(b) Legislative and institutional frameworks or arrangements;

(c) Resource mobilization and coordination, both domestic and international, including the conclusion of partnership agreements;

(d) Linkages and synergies with other environmental conventions and, as appropriate, with national development strategies;

(e) Measures for the rehabilitation of degraded land and for early warning systems for mitigating the effects of drought;

(f) Drought and desertification monitoring and assessment;

(g) Access to appropriate technology, knowledge and know-how by affected country parties, particularly affected developing country parties.

10. The second session of the Committee will take place during the sixth session of the Conference of the Parties in October 2003.

B. Panel of Eminent Personalities to reflect on the nexus between poverty and environment in the context of the effective implementation of the United Nations Convention to Combat Desertification

11. In April 2001, the Under-Secretary-General for Economic and Social Affairs and the Executive Secretary of the United Nations Convention to Combat Desertification convened a Panel of Eminent Personalities to consider the poverty-environment nexus in the context of the timely and effective implementation of the Convention and with the aim of contributing further to the debate leading to the World Summit on Sustainable Development.

12. The Panel, composed of 14 personalities from both developing and developed countries, started its deliberations in October 2001, in the sidelines of the fifth session of the Conference of the Parties, and adopted its conclusions at its last meeting, held in Agadez, the Niger, from 25 to 28 February 2002. The Panel prepared a report entitled "The United Nations Convention to Combat Desertification: A Useful Tool for Sustainable Development and Poverty Alleviation" and launched an appeal, the Agadez Call. This call underlines the unique role of the Convention in addressing poverty eradication and sustainable development given its special focus on areas of extreme poverty and social instability. The Panel further identified the Convention as a tool for development, environmental protection and the prevention of forced migratory movements.

13. The Panel's report and the Agadez Call were presented to the third Preparatory Meeting of the World Summit on Sustainable Development with the aim of drawing the attention of high-level decision makers towards the distinctive comparative advantage of the Convention as a useful tool for promoting sustainable development in the poorest and marginalized rural areas, thus responding directly to the economic, social and environmental challenges related to poverty alleviation.

C. Action programmes

14. The General Assembly urged affected developing countries that have not yet adopted their national, subregional and regional action programmes to accelerate the process of elaboration of those programmes with a view to finalizing them as soon as possible.

15. As at June 2002, 57 affected countries have finalized the elaboration of their national action programmes to combat desertification (NAPs). In most cases, these NAPs have been adopted by the respective Governments. At the subregional and regional levels, seven subregional action programmes and four regional action programmes have been finalized.

16. Through the preparation and finalization of action programmes, the implementation of the Convention has been intensified in affected countries of all regions. The main emphasis at the moment is in supporting partnership arrangements for fostering the implementation of these programmes, and for establishing linkages between the NAPs and other national sustainable strategies.

17. Country parties to the Convention that had finalized their national action programme and their development partners met in Praia from 5 to 8 March 2002 for a forum on the implementation of the Convention in the framework of the preparatory process to the World Summit on Sustainable Development. Participants in this meeting underlined the importance of the linkages between desertification and poverty. They also highlighted the difficulties

encountered, especially by countries that have already adopted their NAPs, in the mobilization of necessary financial resources and the role of development partners in that regard. Participants noted that the level of commitment to NAP funding by the donor community was still not commensurate with the needs expressed and the expectations of affected developing countries, underlining that the only major obstacle for the effective launching of the priority activities identified in the national action programmes was of a financial nature.

18. The forum also addressed other important issues, such as transfer of technology under the Convention, capacity-building, the creation of an enabling framework for the implementation of development policies, the establishment of a framework for integrating policies and strategies and subregional and regional cooperation.

19. Moreover, a declaration entitled "Ministerial Message from Praia", which will be delivered to the World Summit on Sustainable Development by the President of the Republic of Cape Verde, Pedro Pires, was adopted at the forum.

20. In the framework of the cooperation between parties from Africa, Latin America and the Caribbean, some heads of State and Government and ministers from those regions met in Caracas on 19 and 20 February 2002 and adopted the Caracas Declaration on the implementation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa. The Caracas Declaration, meant to foster the implementation of the Convention in the context of South-South cooperation, was introduced to the third Preparatory Meeting of the World Summit on Sustainable Development. President Hugo Chavez, President of Venezuela, Chairman of that forum, has been mandated by his peers to convey the Caracas Declaration to the World Summit in Johannesburg, South Africa.

D. Synergies with other relevant conventions and organizations

21. The secretariat of the United Nations Convention to Combat Desertification prepared and subsequently presented to the fifth session of the Conference of the Parties document ICCD/COP(5)/6 on the review of activities for the promotion and strengthening of relationships with other relevant conventions and relevant international organizations, institutions and agencies. This document describes relationships and cooperation between the United Nations Convention to Combat Desertification and the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the Convention on Wetlands (Ramsar) and other key institutional partners, such as the United Nations Environment Programme, the World Meteorological Organization, the United Nations Educational, Scientific and Cultural Organization and the United Nations Development Programme.

22. Taking into consideration that the governing bodies of the United Nations Convention to Combat Desertification, the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change have, in several recommendations, conclusions and decisions, encouraged the secretariats of the three Conventions to cooperate and manage their respective processes as coherently as possible, the three Convention secretariats have established a Joint Liaison Group in order to enhance coordination between the three instruments and to explore options for further cooperation, including the possibility of joint work plans.

23. The first meeting of the Joint Liaison Group took place in Washington, D.C., on 6 December 2001 in the sidelines of the Council of the Global Environment Facility. Participants exchanged information from recent meetings of the three Conventions, shared information on plans for the forthcoming year and explored opportunities to enhance cohesion among the three Conventions and their respective subsidiary bodies. As a starting point, it was decided that a joint workshop on forests should be organized to explore, identify and promote synergies among the Conventions. It was also agreed to create a common calendar of activities.

24. The second meeting of the Joint Liaison Group was held on 30 January 2002 in New York to discuss issues related to the Joint Calendar and the Joint Workshop on Forests. A third meeting of the Group was organized during the month of April in The Hague, during which the participants agreed to hold the Workshop on Forests during the fall of 2002. This workshop will focus on synergies between the

Conventions using forests as the natural resource basis for promoting linkages between them.

25. At the national level, the secretariat has supported the organization of National Workshops on Synergies between the Conventions. This country-driven exercise has brought together various stakeholders involved in the respective Conventions and has emphasized the demand for capacity-building. The main objective of this approach is to integrate the implementation process of the Convention into national development strategies by forging links among current relevant strategies for sustainable development. These workshops have already been organized in Bolivia, Burkina Faso, Cuba, El Salvador, Mongolia, Uganda, the United Republic of Tanzania and Venezuela. The secretariat has received several requests for support from country parties interested in holding such national workshops on synergies during the year 2002.

26. The General Assembly, in its resolution 56/196, also encouraged the Conference of the Parties to the United Nations Convention to Combat Desertification and the Council and Assembly of the Global Environment Facility to work cooperatively and effectively to facilitate the financing of the full implementation of the Convention by the Facility to achieve the objectives of the Convention in the area of land degradation, primarily desertification and deforestation. During previous sessions of the Assembly and the Conference of the Parties, one of the identified obstacles hampering the implementation of the Convention was the lack of financial resources. To address this issue, the international community has identified the Global Environment Facility as one of the providers of core resources to co-finance the implementation of the Convention. The General Assembly, at its fifty-sixth session, congratulated the Council of the Global Environment Facility for its decision to recommend making land degradation (desertification and deforestation) a new focal area of the Facility. The Assembly of the Facility, due to meet in Beijing next October, is expected to endorse the Council recommendation.

E. Action by States

27. In paragraph 2 of its resolution 55/204, the General Assembly called upon all countries that were not yet parties to the Convention to ratify or accede to it as soon as possible.

28. As of 15 June 2002, instruments of ratification, acceptance, approval or accession had been deposited by the following 179 States and one regional economic integration organization: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, the Central African Republic, Chad, Chile, China, Colombia, the Congo, Comoros, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, Dominica, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, the European Community, Fiji, Finland, France, Gabon, the Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, the Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, the Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Niue, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, the Slovak Republic, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, the Syrian Arab Republic, Tajikistan, Tanzania, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

F. Arrangements for the first session of the Committee for the Review of the Implementation of the Convention

29. The fifth session of the Conference of the Parties adopted decision 2/COP.5, by which it decided that the first session of the Committee for the Review of the Implementation of the Convention should be held at Bonn, Germany, the site of the Convention secretariat, from 18 to 29 November 2002, in the event that no party made an offer to host that session and to meet the related additional financial cost. Accordingly, it invited the Executive Secretary, in consultation with the Bureau of the Conference of the Parties, to accommodate, by 20 April 2002, any offer from a party to host the first session of the Committee for the Review of the Implementation of the Convention.

30. During the month of February, the Government of Italy informed the secretariat of its interest to host the session of the Committee at a venue to be decided upon in the southern part of the country. In a note verbale of 26 February 2002, the Italian Ministry of Foreign Affairs further announced that it had earmarked part of its voluntary contribution to the secretariat for the year 2002 for the organization of the meeting of the Committee if Italy was selected as the host country for the meeting.

31. Accordingly, the secretariat informed the Bureau of the Conference of the Parties of this development and requested its authorization to pursue consultations with the Government of Italy on this matter. Consequently, the Bureau gave a mandate to the Executive Secretary to continue talks with the Italian Government so as to obtain a final decision on the exact venue of the meeting. Following these consultations, the Government of Italy informed the secretariat on 7 May 2002 of its offer to host the Committee session in Sicily from 18 to 29 November 2002.

III. Conclusions

32. **The General Assembly may wish to take note of the outcomes of the Council and Assembly of the Global Environment Facility regarding the designation of land degradation (desertification and deforestation) as an additional focal area of the Facility. Likewise, the General Assembly may wish to take note of the conclusions of the World Summit on Sustainable Development relevant to the implementation of the United Nations Convention to Combat Desertification and invite the Council and Assembly of the Global Environment Facility as well as the Conference of the Parties to the Convention to operationalize them.**

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Item 110 of the preliminary list*
Right of peoples to self-determination

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, in accordance with General Assembly resolution 56/232 of 24 December 2001, the report prepared by Mr. Enrique Bernales Ballesteros (Peru), Special Rapporteur on the question of the use of mercenaries.

* A/57/50/Rev.1.

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Summary

In this report the Special Rapporteur reports on the activities undertaken and the correspondence received since the beginning of 2002. He makes particular mention of the second meeting of experts on mercenaries, organized by the Office of the United Nations High Commissioner for Human Rights, which took place in Geneva from 13 to 17 May 2002. He then reviews the situation of the African continent with regard to mercenary activities. He draws attention to positive developments, such as the ceasefire agreement signed in Angola, on 5 April 2002, between the Chief of Staff of the Angolan Armed Forces and the Chief of Staff of UNITA, and the presidential and legislative elections held in Sierra Leone on 14 May 2002.

Matters that he continues to view with concern include the continuation of the war in the Democratic Republic of the Congo and the massacres reported in Kisangani in May 2002; the recent armed confrontations in Brazzaville, Republic of the Congo; reports from the Government of Equatorial Guinea concerning recruitment of mercenaries; and the recent recruitment of mercenaries for operations in Madagascar.

The body of the report focuses on the Special Rapporteur's visits on official mission to El Salvador and Panama. The Special Rapporteur thanks the Governments of those countries for their full cooperation and their transparency, which contributed to the success of the visits. He reports that he was able to talk with the executive and judicial authorities of those countries concerning the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; the definition of mercenary; and the connection between mercenary activities and terrorism. He also describes the private interviews he had with four persons who are being held in Panama on charges of trying to assassinate, in their country, the Head of State of Cuba, in November 2000, and who are believed to be connected with the recruitment of mercenaries to place explosives in tourist facilities in Havana in 1997.

Finally, regarding the International Convention of 1989, the report refers to the recent deposit of the instruments of adhesion of Costa Rica, Mali and Belgium, which brings to 24 the number of States parties to that international instrument; the latter entered into force on 20 October 2001.

Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

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I. Introduction

1. During its fifty-sixth session, the General Assembly adopted resolution 56/232 of 24 December 2001 by which it reaffirmed that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations.

2. The Assembly decided to consider at its fifty-seventh session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. It requested the Special Rapporteur to report, with specific recommendations, to the General Assembly at that session his findings on the use of mercenaries to undermine the right of peoples to self-determination. It also requested him to continue taking into account in the discharge of his mandate the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities. It also requested him to propose a clearer definition of mercenaries, including clear nationality criteria, based on his findings, the proposals of States and the outcomes of the meetings of experts, and to make suggestions on the procedure to be followed for international adoption of a new definition.

3. It urged all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination. It also called upon States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties.

4. It welcomed the recent entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (resolution 44/34, annex) and called upon all States that have not yet done so to consider taking the necessary action to sign or ratify it, as a matter of priority. It welcomed further the adoption by some States of national legislation restricting the recruitment, assembly, financing, training and transit of mercenaries and it welcomed the cooperation extended by those countries that had received visits from the Special Rapporteur.

5. The Assembly requested the United Nations High Commissioner for Human Rights to convene, before the fifty-ninth session of the Commission on Human Rights, a second meeting of experts, pursuant to Assembly resolution 54/151 of 17 December 1999, to continue studying and updating the international legislation and to make recommendations for a clearer legal definition of mercenaries that would make more efficient the prevention and punishment of mercenary activities. It also requested the Office of the High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States affected by the activities of mercenaries.

6. In this regard, the Special Rapporteur wishes to report that the second meeting of experts was held in Geneva from 13 to 17 May 2002 (see sect. III below). The first meeting of experts was held from 29 January to 2 February 2001, also in Geneva. The report of the High Commissioner for Human Rights on the outcome of that event will be submitted to the Commission at its fifty-ninth session.

7. The Special Rapporteur wishes to point out that the Office of the High Commissioner has already prepared an information leaflet on the adverse effects of the activities of mercenaries on the right to self-determination and that it has been published as part of the Human Rights Fact Sheets series (Fact Sheet No. 28).

8. On 12 April 2002, at its fifty-eighth session, the Commission on Human Rights adopted resolution 2002/5 whereby it, inter alia, reaffirmed that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations; recognized that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market; called

upon all States to consider taking the necessary action to sign or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and invited them to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur.

9. The Commission welcomed the entry into force of the International Convention and the efforts being made by the Office of the High Commissioner in the preparation of the second meeting of experts on traditional and new forms of mercenary activities. It requested the Special Rapporteur to consult States and intergovernmental and non-governmental organizations in the implementation of the resolution and to report, with specific recommendations, to the Commission at its fifty-ninth session his findings on the use of mercenaries to undermine the right of peoples to self-determination.

10. It should be pointed out that the Commission requested the Special Rapporteur to continue taking into account in the discharge of his mandate the fact that mercenary activities are continuing to occur in many parts of the world and are taking on new forms, manifestations and modalities. It requested the High Commission to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, including through the promotion of cooperation between Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities, and requested the Office of the High Commissioner, when requested and where necessary, to render advisory services to States affected by the activities of mercenaries.

11. Accordingly, and pursuant to resolution 56/232, the Special Rapporteur has the honour to submit this report to the General Assembly for consideration at its fifty-seventh session.

II. Activities of the Special Rapporteur

A. Implementation of the programme of activities

12. The Special Rapporteur made three trips to Geneva: from 25 to 29 March 2002, to attend the fifty-eighth session of the Commission on Human Rights; from 13 to 17 May 2002 to attend the second meeting of experts on the question of mercenaries; and from 24 to 28 June 2002 to chair the ninth meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the Commission on Human Rights. While in Geneva the Special Rapporteur held consultations with representatives of various States and met with members of non-governmental organizations. He also held coordination meetings with the thematic mechanisms section of the Activities and Programmes Branch of the Office of the United Nations High Commissioner for Human Rights.

13. At the invitation of the Government, he visited El Salvador, on official mission from 5 to 8 May 2002. He also visited Panama on official mission from 8 to 10 May 2002, at the invitation of that country. An account of these visits may be found in section V of this report.

B. Correspondence

14. Pursuant to resolutions 56/232 of the General Assembly and 2002/5 of the Commission on Human Rights, the Special Rapporteur sent a communication on 2 May 2002 to all States Members of the Organization, requesting: (a) information on the possible existence of any recent mercenary activities (recruitment, financing, training, assembly, transit or use of mercenaries); (b) information on participation by nationals of their country as mercenaries in committing acts against the sovereignty of other States, the exercise of the right to self-determination by other peoples and the enjoyment of human rights; (c) information on the possible existence of mercenary activities in the territory of another country against the State in question; (d) information on the possible participation of mercenaries in committing internationally wrongful acts such as terrorist attacks, formation of and support for death squads and paramilitary organizations, trafficking in and kidnapping of persons, drug trafficking, arms trafficking and smuggling; (e) information on existing domestic legislation and on treaties outlawing mercenary activities to which the State is party; (f) suggestions for enhancing the international treatment of the topic, including suggestions for a clearer definition of mercenaries; (g) information and views on private security service and military advice and training companies, and on the connection between mercenarism and terrorism.

15. In a note verbale dated 22 May 2002, the Permanent Mission of Kuwait to the United Nations Office at Geneva stated the following:

> "The State of Kuwait continues to maintain its firm and unwavering position of condemning the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, this being a flagrant violation of the norms governing relations among States and peoples, of the principles of human rights and of the noble values inherent in human conscience.
>
> "The State of Kuwait, as a member of the international community, has based its policies on the principle of respect for the independence of States and their territorial integrity, and therefore condemns the use, training and financing of mercenaries. In view of this firm and unwavering position it does not, and will not, allow such activities to take place in its territory, nor does it support any activity undertaken by mercenaries in any other State.
>
> "With respect to legislative measures taken by Kuwait to ensure that its territory cannot be used for the recruitment, financing or training of mercenaries, we would like to point out that Kuwait has never witnessed this phenomenon, nor has it seen such activities in its history. No special legislation on mercenaries has therefore been enacted, but the State of Kuwait acceded to the four Geneva Conventions of 1949 on victims of armed conflict, pursuant to the Emir's decree of 12 August 1967, and also acceded to the two Additional Protocols to the said Conventions following the Emir's decree issued on 3 December 1984. All of these instruments have acquired legal force under Kuwait's national legislation. Additional Protocol I, as you are aware, contains a provision on the non-entitlement of mercenaries to the status of combatants or prisoners of war, and on the legal consequences thereof."

16. In a letter dated 30 May 2002, the military adviser of the Permanent Mission of Malawi to the United Nations, Colonel John D. Msonthi, Jr., informed the Special Rapporteur as follows:

> "Please be advised that the Malawi Human Rights Commission has no information regarding mercenaries in Malawi. The Commission is not aware, or has not come across any information indicating that Malawi has mercenaries within its borders, nor is it aware of any domestic legislation regarding mercenaries.
>
> "We regret that we could not be of any assistance to you in carrying out the mandate conferred on you in preparing the reports for submission to the General Assembly and the Commission on Human Rights."

17. In a letter dated 10 June 2002, the Permanent Representative of Guatemala to the United Nations Office at Geneva, Ambassador Antonio Arenales Forno, transmitted the report prepared by the Ministry of Defence of Guatemala, which states as follows:

> "There is nothing to suggest that members of the Guatemalan Army have engaged in any mercenary activities.
>
> "As regards the Guatemalan Army, there is no information nor is there any sign of actions such as those mentioned in (b), (c) or (d).
>
> "Article 149 of the Constitution of the Republic of Guatemala, states that 'Guatemala will regulate its relations with other States in accordance with international principles, rules and practices, with a view to contributing to the maintenance of peace and liberty, respect for and protection of human rights, and the strengthening of democratic processes and international institutions that safeguard the mutual and equitable interest of States.
>
> "Article 46 (Pre-eminence of international law) establishes the general principle that, in respect of human rights, treaties and agreements approved and ratified by Guatemala shall take precedence over domestic laws.
>
> "Article 244 (Integration, organization and goals of the Armed Forces) establishes that the Armed Forces of Guatemala are an institution whose purpose is to maintain the independence, sovereignty and honour of Guatemala, its territorial integrity, peace and internal and external security.
>
> "They are a single, indivisible, essentially professional, apolitical, obedient and non-deliberative institution made up of army, air force and navy.

"Article 245 (Prohibition of illegal armed groups) states that organizing and operating armed groups not regulated by the laws and regulations of the Republic is a punishable offence.

"Article 247 (Qualifications needed to become an officer) establishes that only persons who are Guatemalan by birth and who have never adopted another nationality may be made officers in the Armed Forces.

"The Armed Forces of Guatemala are aware of the great importance of banning the use of mercenaries in armed conflicts and fully support the human rights instruments whereby the United Nations condemns the use of mercenaries, and they call for continued efforts to establish consensus on international and national regulations to help fill the legal vacuum that currently facilitates the use of mercenaries and encourages their proliferation.

"Guatemala is not aware of any such company that offers its services to Governments to intervene in internal armed conflicts with the help of professional soldiers for the purpose of improving the military efficiency of Government forces.

"Terrorism is considered also to be a criminal activity involving mercenaries who, in return for payment, ignore the most elementary considerations of respect for human life, and for a country's legal system and security."

18. In a note verbale dated 21 June 2002, the Permanent Mission of the Republic of Moldova to the United Nations Office at Geneva reported that that country has no information concerning any participation by citizens of that country in mercenary activities.

19. In a letter dated 23 May 2002, Ms. Cheryl J. Sim, political adviser at the Permanent Mission of the United States of America to the United Nations Office at Geneva, informed the Special Rapporteur that her Government was again inviting him to visit the United States and proposed that the visit be scheduled for the end of January 2003. The Special Rapporteur again expressed his gratitude for the invitation and said that he hoped to be able to visit the United States at the suggested time. Such a visit would enable him to speak with Government authorities and representatives of the academic and non-governmental communities concerning the connection between mercenaries and terrorism; and between mercenary activities and trafficking in persons, arms and drugs; and concerning the use of mercenaries by organizations of exiles seeking to overthrow the Governments of their own countries.

III. The second meeting of experts

20. In compliance with binding resolutions 56/232 of the General Assembly of 24 December 2001 and 2002/5 of the Commission on Human Rights of 12 April 2002, the Office of the United Nations High Commissioner for Human Rights organized the second meeting of experts on the subject of mercenaries which met to consider the various forms of present-day mercenary activity and to make a contribution towards the formulation of an updated legal definition of the concept of mercenary.

21. The meeting was held from 13 to 17 May 2002 in Geneva with the participation of nine invited experts representing the various geographical regions and legal systems, and the Special Rapporteur. The meeting was attended by the experts Chaloka Beyani (Zambia), Eric David (Belgium), Vojin Dimitrijevic (Yugoslavia), Silvia Fernández de Gurmendi (Argentina), Françoise Hampson (United Kingdom of Great Britain and Northern Ireland), Olga Miranda Bravo (Cuba), Arpad Prandler (Hungary), I. A. Rehman (Pakistan) and Martin Schönteich (South Africa). The meeting was chaired by Silvia Fernández de Gurmendi and Chaloka Beyani acted as rapporteur.

22. The analysis covered matters relating to recent events connected with mercenary activities; the mandate of the Special Rapporteur; the criminalization or penalization of mercenary activities; the definition of mercenary; the responsibility of States for mercenary activities; the relations between mercenary activities and terrorism; and the regulation of private companies offering military assistance and consultancy services. A detailed analysis was made of the legislation of Belgium and South Africa as well as of article 47 of Additional Protocol I to the Geneva Conventions of 1949 and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The report of the second meeting of experts will be submitted by the United Nations High Commissioner for Human Rights to the Commission on Human Rights at its fifty-ninth session.

23. As at the first meeting, particular emphasis was placed on the analysis of the definition of mercenary

bearing in mind also aspects relating to the legal framework of the question and the difficulties of taking into consideration the various forms taken by mercenary activities. There was no consensus on proposing an alternative definition but elements were suggested which the Special Rapporteur will analyse in concluding his study of the matter.

IV. Mercenary activities in Africa

24. Fifteen years after the creation of the function of Special Rapporteur on the use of mercenaries as a means of violating human rights and hindering the exercise of peoples to self-determination, peace is still an unknown situation for many peoples of Africa. In many places on the continent armed conflicts, including conflicts of regional scope, cause the death of hundreds or thousands of Africans. Many of these conflicts include a mercenary component, either by virtue of contracts for recruitment, training or participation in direct action in combat, or through the different forms of illicit trafficking that flourish in areas affected by armed conflicts.

25. Although there have been some positive signs such as the recent ceasefire agreement in Angola or the holding of presidential and legislative elections in Sierra Leone, the processes of social and political breakdown accompanied by armed tension have continued. Serious situations are still impeding the precarious emergence of nation States, including deep crises of governmental stability and tenacious struggles for control of oil fields and mineral deposits and other valuable natural resources. Wars are waged for the control of diamond deposits.

26. The exercise by African peoples of the right to self-determination is beset by a whole series of armed conflicts involving mercenaries. The sovereignty of the peoples concerned over their natural resources and their rational exploitation is also impaired.

27. The first reports of the Special Rapporteur referred to armed conflicts that called in question the exercise of the right to self-determination by African peoples. Now those conflicts seem to involve another problem: that of natural resources such as oil, uranium, magnesium, bauxite and particularly diamonds and other precious stones. Greed for them is the actual cause of the destabilization of legitimate Governments, the arming and financing of rebel groups and the instigation of internal conflicts. Those who exercise control from Europe over the markets for precious stones, particularly diamonds, are not unconnected with such conflicts.

28. A South African citizen Johan Niemoller, who was leader of the extreme right-wing Party Die Volk and had links with the sinister Civil Cooperation Bureau, the death squad of the apartheid era, was sentenced by the court of Krugersdorp to two years imprisonment and a fine of 100,000 rand for his participation in illegal trafficking in diamonds purchased from members of UNITA and sold on the Antwerp market for 1.1 million rand. It was also proved that Niemoller had provided UNITA with arms and had been involved in the recruitment of mercenaries in Europe on behalf of that organization. Concerning the background of Niemoller, mention may be made of his participation in planning the assassination of Anton Lubowski, the leader of the South-West Africa People's Organization.

29. Forty-two years after the Democratic Republic of the Congo gained its independence, the civil war which besets the country and in which other African States are involved is costing the country 80 per cent of its resources. Serious massacres were denounced in March 2002 in the east and north-east of the country. Troops from Angola, Namibia and Zimbabwe have been supporting the Government of President Joseph Kabila, while forces from Rwanda and Uganda have supported the rebels, chiefly the Movement for the Liberation of the Congo and the Congolese Rally for Democracy. The ceasefire agreed to in 1999 has been broken repeatedly. On the frontier with Uganda, ethnic clashes between Lendu and Hema groups continue, the latter being supported by Ugandan forces. The presence of mercenaries in the Democratic Republic of the Congo is not new: it dates back, as is well known, to the very time of its independence which attempts were made to prevent by using mercenaries.

30. In the north-east of Rwanda, 150 Hutu rebels were recently killed in clashes with the Rwandese Patriotic Army. On 21 March 2002 in Equatorial Guinea, the Minister of the Interior, Clemente Engonga Nguema, and the Minister and Spokesman for the Government, Antonio Fernando Nué Ngu, accused the former speaker of Parliament and leader of the party Republican Democratic Force, Felipe Ondo Obiang Alogo, together with other political leaders, of trying to recruit mercenaries in order to destabilize the country.

31. The Special Rapporteur must draw attention to one particularly encouraging fact for peace in the continent, namely the signing of the ceasefire agreement in Angola on 5 April 2002 between General Armando da Cruz Neto, Chief of Staff of the Angolan Armed Forces, and the Chief of Staff of UNITA, Abreu Muengo. That agreement will revive the processes of peace, reconstruction and democratization in Angola which began with the Lusaka Protocol of 1994. It provides for the holding of elections within two years, the reintegration of 50,000 members of UNITA, and an emergency plan for internally displaced persons. The long 27-year civil war in Angola leaves in its wake a million dead, 50,000 orphans, 100,000 persons mutilated by anti-personnel mines and a third of the population, in other words 4 million people, displaced.

32. Another positive event was the holding of presidential and legislative elections in Sierra Leone which took place on 14 May 2002, marking the end of a bloody 10-year civil war which left hundreds of thousands of dead, wounded and mutilated.

33. The Special Rapporteur has continued to study the nature of the conflicts which have affected and continue to affect Africa and to propose a global policy for a defence of life, personal integrity, freedom and the security of persons and respect for the sovereignty of African States. He notes with concern the recent accusations that have been made concerning the recruitment and hiring of mercenaries for work in Madagascar, a country that is going through a serious political crisis which the Special Rapporteur hopes it will be able to overcome thanks to the good offices of the United Nations and of the Organization of African Unity. He also notes with concern the recent armed clashes in Brazzaville, Republic of the Congo, between governmental and rebel forces which have caused dozens of deaths. Lastly, he cannot omit to draw attention to the situation in the Comoros, a country that has, throughout its history, suffered a number of attacks by gangs of mercenaries.

V. Visits to El Salvador and Panama

A. Reports on the visits

34. The Special Rapporteur wishes, in the first place, to convey his appreciation to the Governments of El Salvador and Panama for inviting him to visit their countries in compliance with his mandate and for their collaboration and the openness they displayed.

35. The official mission of the Special Rapporteur to those countries enabled him to continue his investigations concerning the use of countries in Central America for the recruitment and training of mercenaries for subsequent participation in illegal and criminal acts, particularly against Cuba, its political leadership, its population and its facilities.

36. The Special Rapporteur received information to the effect that Salvadorian territory had been used for the planning of attacks and for the recruitment and training of some of the direct participants in such attacks. Luis Clemente Faustino Posada Carriles, alias Ignacio Medina, alias Franco Rodríguez Mena recruited Otto René Rodríguez Llerena, a Salvadorian citizen who was a perpetrator of one of the attacks committed in Havana City and who had been arrested in Cuba.

37. The visit of the Special Rapporteur to El Salvador from 5 to 8 May 2002 enabled him to have interviews with the Minister for Foreign Affairs of that country, Dr. María Eugenia Brizuela de Ávila, with the Minister of the Interior, with the President of the Supreme Court of Justice, with the Attorney-General of the Republic, with the Counsel for Human Rights, with the Deputy Minister of National Defence, with the Deputy Minister of Public Security, with the Director-General of the National Civilian Police and with representatives of the State Intelligence Agency. The Special Rapporteur also had occasion to meet and discuss humanitarian questions with the family members of Raúl Ernesto Cruz León and Otto René Rodríguez Llerena, whom he had interviewed in prison during his visit to Cuba in September 1999.

38. The visits to El Salvador and Panama enabled the Special Rapporteur to exchange differing points of view with the executive and judicial authorities of those two countries, particularly in relation to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries of 1989, the definition of mercenary and the relationships between terrorism and mercenary activities.

39. The Special Rapporteur also received information on the acquisition by Luis Posada Carriles of a false Salvadorian passport which enabled him to travel to Panama on 3 November 2000, allegedly for the purpose of making an attempt on the life of Fidel Castro,

President of the Council of State and of the Council of Ministers of Cuba, at the Tenth Ibero-American Summit of Heads of State and Government, held on 17 and 18 November 2000.

40. As will be recalled, Posada Carriles was accused of being the perpetrator of the explosion in flight over Barbados of a passenger aircraft of Cubana de Aviación in 1976 in which 73 people were killed. Posada Carriles was an agent of the Central Intelligence Agency (CIA) of the United States of America and worked with the anti-Castro opposition until he was recruited by the Venezuelan police. After the attack against the Cubana de Aviación aircraft, he escaped by simply walking out of a Venezuelan prison. He was later linked with operations for the support of, and provision of weapons to, the Nicaraguan resistance (the so-called "Contras") under the orders of Colonel Oliver North. It is said that he had lived in El Salvador since as long ago as 1980 and that he had also collaborated with the intelligence services of the Government of President Napoleón Duarte. He is also accused of having organized the campaign of terrorist actions against tourist facilities in Havana in 1977 through the Cuban-American Chávez Abarca.

41. The Special Rapporteur asked the Government of El Salvador for more information: on the background of Posada Carriles and his presence in El Salvador; on the owners of the three vehicles he had used in the country and how he had obtained them; on the activities in which he had been engaged in Salvadoran territory; on his business, social and political links or connections; and on any real estate or movable assets he may have owned. He also asked for information on the people, and their current juridical status, who had enabled Mr. Posada Carriles to obtain false identity documents, and on information that might be provided by analysis of that person's movements from one place to another. According to information handed to the Special Rapporteur, Posada Carriles appears to have entered or left Salvadoran territory over 50 times between 1990 and 2000.

42. The information which the Special Rapporteur gathered during his visit to El Salvador is restricted principally to the supposed commission of the offences of using a forged document, misrepresentation and using a forged identity document. In addition, and on the basis of the information obtained, the Special Rapporteur requested the Government of El Salvador to provide information on the activities carried out by Mr. Posada Carriles in the country and whether or not they were legal in the light both of domestic Salvadoran law and of international law.

43. The visit to the Republic of Panama took place from 8 to 10 May 2002. The Special Rapporteur was able to hold discussions with senior officials at the Ministry of Foreign Affairs, with magistrates of the Second Higher Court of Justice and with officials at the Attorney General's Office. At the headquarters of the National Police in Panama City, he had discussions with the prisoners Luis Posada Carriles and Pedro Crispín Remón Rodríguez. He later visited El Renacer prison where he was able to interview Mr. Gaspar Eugenio Jiménez Escobedo, alias Manuel Díaz, and Mr. Guillermo Novo Sampoll.

44. The Panamanian authorities informed the Special Rapporteur that Posada Carriles, alias Franco Rodríguez Mena, had entered the country from Costa Rica on 3 November 2000. The judicial proceedings against him and the other three prisoners were continuing. Proceedings had been initiated against them for the offences described in article 5 of Law 53 of 12 December 1995 (possession of explosives); chapter I, part VII of volume 2 of the Penal Code (offences against collective safety implying a common danger); chapter III, part VII of volume 2 of the Penal Code (unlawful association); and chapter I, part VIII of volume 2 of the Penal Code (offences against public credit). By decisions dated 6 December 2000 and 10 January 2001, issued by the First Circuit Prosecutor's Office of the First Judicial District of Panama, they were sentenced to preventive detention as a precautionary measure.

45. The Panamanian authorities also informed the Special Rapporteur that in the proceedings that were in progress in the Fourth Higher Public Prosecutor's Office of the First Judicial District of Panama there was no evidence that Posada Carriles had confessed to participating in the terrorist attacks committed in 1997 in Havana.

46. During the interview at the headquarters of the National Police in Panama City, Luis Posada Carriles told the Special Rapporteur that he had travelled to Panama with the intention of protesting peacefully against the presence of President Fidel Castro at the Tenth Ibero-American Summit and to offer logistic support for the assumed desertion of the head of the intelligence services of Cuba, General Delgado. He

also stated that everything had been a trick arranged by the Cuban intelligence services for the purpose of bringing him to Panama, and having him arrested and possibly extradited to Cuba. Neither he nor his companions had planned to assassinate President Fidel Castro. Part of the stratagem, according to him, had been the intention to connect them with plastic explosives — eight pounds of C-4 plastic explosive material and 50 packets containing 32 pounds of Semtex which were found buried in the Mañanitas sector in the outskirts of the city.

47. Posada Carriles stated that he did not know Otto René Rodríguez Llerena. Concerning the use of false identity documents and passports, he said that that was a necessity because using his true name would have meant putting his life in danger. His differences with the Head of State of Cuba had begun in the years when they were both students at Havana University. He had emigrated to the United States of America where he later worked for the CIA. After leaving the CIA he had travelled to Venezuela where he had worked with the police of that country. He had been under arrest for several months without charge in connection with the destruction of the aircraft belonging to Cubana de Aviación, but stated that, because of the total lack of evidence linking him with that attack, the prison guards left him at liberty to leave the prison. He categorically denied being a mercenary and defined himself as an anti-Castro combatant involved in the political and military struggle for the freedom of his country.

48. On being questioned concerning the interviews he gave in 1998 to *The New York Times* and to the *Telemoticias* network in Miami, Florida, implicating the Cuban American National Foundation in the financing of the campaign of attacks on hotels in Havana in 1997, he replied that he had denied such reports and that *The New York Times* had published a rectification to that effect, although in small type.

49. Pedro Ramón Rodríguez corroborated what Posada Carriles had said. He added that he had never believed in the supposed desertion of the head of Cuban intelligence but that he assumed that travelling to Panama was a calculated risk. It was not the first time that they had had to cover the desertion of a prominent Cuban. He did not accept being regarded as a mercenary and admitted being prepared to act against the Government of Cuba, although only through political and military action, without recourse to terrorism. He had never participated in placing an explosive device causing the death of innocent people. He added that, contrary to popular belief, the opponents of the Cuban Government lived a hard-working life in Miami and were in straitened financial circumstances.

50. Similar views were expressed by Guillermo Novo Sampoll and Gaspar Jiménez Escobedo who were interviewed by the Special Rapporteur in El Renacer prison. They both stated that they had travelled to Panama at the request of Posada Carriles to assist in the desertion of General Delgado. In response to questions from the Special Rapporteur, they said that at the time of their arrest they had not made up their minds how to take the General out of the country. One possibility would have been to cross the land frontier with Costa Rica and put him aboard a plane bound for the United States. Another would have been to take him out of Panama directly by plane. Both of them denied having taken part in terrorist acts although they admitted the possibility of having engaged in military action against the Government of Cuba. They also stated that they had no connection with the explosives found and that the detonators for them had not been found. Nor had any plan of the site or facilities of Panama University, where the attack was allegedly to have been perpetrated, been found in their possession.

51. Both Posada Carriles and Novo Sampoll seemed to be suffering from more or less serious health problems to which they specifically referred. The four prisoners were apparently being well treated in detention as far as physical conditions were concerned, but they did complain of the slowness of the judicial proceedings and expressed the hope that they would soon return to Miami.

52. The Special Rapporteur asked the Government of Panama for further information, and for a copy of the affidavit or police report concerning the arrest of these people in the Coral Suites Hotel to the east of the capital, a copy of the affidavit or police report relating to the confiscation of the explosives and a copy of the charge or announcement by the head of State of Cuba or his security services concerning the preparations for an attack against him. The Special Rapporteur wishes to know: whether other people entered the country on the dates mentioned in connection with the acts attributed to the four accused; what part, if any, was played by César Matamoros, the Honduran citizen Carlos Vicente López Sánchez and the driver engaged by Posada Carriles, the Panamanian citizen José

Manuel Hurtado Viveros; and how likely it is that a cell of persons of Cuban origin is present in Panama to provide support and cover to the prisoners.

53. It is necessary to establish whether the possibility that the supposed attacked against President Fidel Castro might have occurred in a place different from the auditorium of Panama University or the expressway to Tocumen Airport has been ruled out; who else was arrested in connection with this matter and what is their present legal situation; how and by whom was the equipment brought into the country and whether the detonators were found.

B. Analysis

54. Although the visits to El Salvador and Panama provided interesting data, comparing accounts, processing the information and analysing the evidence collected forced the Special Rapporteur to raise thematic issues and to ask the Salvadoran and Panamanian authorities to clarify matters where clarification was needed. Until such time as the replies are received he is not in a position to make a sound analysis and formulate definitive conclusions concerning reports of mercenary activities in the territory of the said countries. The data provided by the officials interviewed in each country leaves too many loose ends. The information is insufficient and the liberal treatment given to persons who seem to have been involved in unlawful acts calls for an explanation; for example, Posada Carriles enjoyed broad freedom of movement during the many years that he spent in El Salvador.

55. Of course, the statements by Luis Posada Carriles, Pedro Remón Rodríguez, Guillermo Novo Sampoll and Gaspar Jiménez Escobedo constitute partial testimony. The Special Rapporteur has transcribed them as objectively as possible in the account of his visit. He also notes that his testimony was not accompanied by any supporting evidence.

56. In accordance with his obligations, the Special Rapporteur is trying to verify the testimony received and to compare the documentation that he hopes to receive from the Panamanian authorities and, possibly, from other countries. Nevertheless, he wishes to point out, as a first element of analysis, that it seems unlikely that persons experienced in political and military struggle against a Government — which is how the persons making the statements identified themselves — would have entered a country to assist in the desertion and flight of a prominent visitor without having any plan in place. The individuals stated that they did not have a prepared plan for the kidnapping and flight nor did they have a network and a local support infrastructure. This confession of naivety, whereby experienced persons with a proven record of engaging in conspiracy acknowledge that they were in a hotel waiting passively to be notified in order to act, seems improbable and it does not provide a good alibi. Indeed, it causes one to suspect that information is being withheld and that other persons are being protected or, what is worse, that they had something else in mind when they went to Panama — coincidentally, at the time of the Tenth Ibero-American Summit.

57. Moreover, the speakers do not seem to perceive or to make any ethical distinction between a political and military struggle against a regime, which position they support, and the commission of crimes against political figures who are the focus of their anger. The vehemence of their gestures and expressions, and the record of their conspiratorial acts, which they do not deny but reinterpret as part of a commitment to liberate their country of origin, would seem to suggest that they know about the theory of the lesser evil or that of the end ("putting an end to the dictatorship") justifying the means. Everyone knows that, in practice, both theories lead to conduct in which the commission of a crime is of no concern since it is claimed that no crime has been committed because, supposedly, the cause is just.

VI. Current status of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries

58. The International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which the General Assembly adopted by resolution 44/34 of 4 December 1989, entered into force on 20 October 2001 when the twenty-second instrument of ratification or accession was deposited with the Secretary-General of the United Nations. There are now already 24 States that are party to the Convention. Costa Rica deposited its instrument of

accession on 20 September 2001, Mali on 12 April 2002 and Belgium on 31 May 2002.

59. Despite the objections to the definition contained in article 1, the Special Rapporteur believes that, now that it has entered into force, it will be easier to improve this important instrument and that this should be done by means of a protocol. This could be the starting point in efforts to address recent mercenary activities that have remained unpunished. The Convention will also facilitate preventive cooperation among States, better identification of situations involving mercenaries and the clear determination of jurisdiction in each case and will facilitate procedures for the extradition of mercenaries and the effective prosecution and punishment of offenders.

60. As noted above, 24 States have completed the formal process of expressing their willingness to be bound by the International Convention. Those States are: Azerbaijan, Barbados, Belarus, Belgium, Cameroon, Costa Rica, Croatia, Cyprus, Georgia, Italy, Libyan Arab Jamahiriya, Maldives, Mali, Mauritania, Qatar, Saudi Arabia, Senegal, Seychelles, Suriname, Togo, Turkmenistan, Ukraine, Uruguay and Uzbekistan. Nine other States have signed the International Convention, but have not yet ratified it. They are: Angola, Congo, Democratic Republic of the Congo, Germany, Morocco, Nigeria, Poland, Romania and Yugoslavia.

VII. Conclusions

61. General Assembly resolution 56/232 reaffirms its condemnation of mercenary activities, recognizes that these activities are used in all kinds of armed conflict, terrorism, illicit trafficking and covert operations and therefore urges Member States to take the necessary steps to prevent their territories from being used — and to keep out individuals involved — in criminal acts characterized by the presence of mercenaries. In that context the Assembly asks the Special Rapporteur to develop the topic and to take into account the new forms, manifestations and modalities that mercenary activities are taking on. In accordance with the mandate given him by the General Assembly, the Special Rapporteur has consulted States, intergovernmental and non-governmental organizations with a view to obtaining information and proposing preventive policies that will help eliminate mercenary activities throughout the world. He is also working on formulating a new definition of mercenaries. To that end he has requested opinions from States, organizations and experts and has assembled some of the elements of the work on the topic that was done at the recent second meeting of experts on mercenaries.

62. One of the most egregious attempts to exploit the riches of Africa involved UNITA in Angola. This rebel force was the biggest employer of mercenaries during its long struggle with the Government of Angola. In the territories under its control, it extracted and sold unlimited quantities of diamonds, despite the United Nations embargo, and used mercenaries to smuggle diamonds to European markets, primarily Antwerp.

63. The ceasefire agreement signed in Angola on 5 April 2002 is a very positive development for the entire continent. It continues the Lusaka peace process of 1994, provides for elections, the reintegration of 50,000 members of UNITA and the implementation of an emergency plan for internally displaced persons. Attention should also be drawn to the presidential and legislative elections held in Sierra Leone, another country that has had a long and bloody civil war and suffered from the presence of mercenaries.

64. The Special Rapporteur's visits to El Salvador and Panama have made it possible to conduct further investigations into reports that these countries have been used for mercenary activities and some of their nationals have been called on to organize activities characterized as offences. Even if the reports that persons of Cuban origin were involved in the commission of serious offences, such as homicide, are not confirmed, the admission that their intent was, rather, to assist in the desertion and flight of a prominent foreign visitor, also involves the commission of various offences that are punishable, both under the laws of Panama and under international law.

65. The investigations concerning these visits are not yet complete; the Special Rapporteur can say that the testimony received from the persons being held in Panamanian prisons is insufficient and is not consistent with the investigations carried out by the judicial authorities of that country and that more evidence will be needed before they can be accepted as valid.

VIII. Recommendations

66. It is recommended that the General Assembly should reaffirm its condemnation of mercenary activities, whatever their form of manifestation and that it should be alert to the new modalities these activities are taking on.

67. Since mercenaries are also used in acts of terrorism, it is further recommended that the mercenary aspect should be reflected in United Nations analysis, follow-up and resolutions on terrorism. The same concern should be reflected in national legislation. The Special Rapporteur will keep abreast of developments in combating terrorism and coordinate with the United Nations bodies dealing with terrorism.

68. It is also recommended that special attention should be paid to combating the involvement of mercenaries in illicit arms trafficking, which serves to fuel and prolong armed conflicts. With his experience the mercenary agent enhances the frequency and volume of illicit arms deals. That being the case, more effort must be put into developing legal instruments to facilitate prosecution of that crime and mobilizing the political will of States to suppress that illicit traffic effectively.

69. It is recommended that the Special Rapporteur should continue his investigations into the allegations concerning the existence of mercenary networks operating from various territories in North America, Central America and the Caribbean, in direct violation of national and international law, for the purpose of undermining the stability of constitutional Governments and, in particular, that of the Government of Cuba. None of these aims is consistent with the Charter of the United Nations. The General Assembly must therefore reaffirm the need not only to fully respect human rights, but also to safeguard the principles concerning the right of peoples to self-determination and non-intervention in the internal affairs of States.

70. Now that the International Convention of 1989 concerning mercenaries has come into force, it is recommended that the General Assembly should reiterate its invitation to all States that are not yet party thereto to ratify or accede to the Convention. It should, at the same time, invite Member States to review their national legislation so as to bring it into line with the Convention. Finally, the General Assembly should establish some mechanism to consider how better to implement the Convention.

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Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion

Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion

Report of the Secretary-General

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I. Introduction

1. By resolution 55/6 of 26 October 2000, entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion", the General Assembly requested the Secretary-General to prepare a report on the implementation of the resolution and to submit it to the Assembly for consideration at its fifty-seventh session.

2. Pursuant to the above-mentioned request, the Secretary-General, by a note verbale dated 11 March 2002, invited Governments to provide any information that they might wish to contribute to the preparation of the report.

3. The present report reproduces the replies received from Governments as at 28 June 2002. Further replies will be reproduced in addenda to the present document.

II. Replies received from Governments

Argentina

[Original: Spanish]
[25 April 2002]

1. On 5 September 1997, the Government of the Argentine Republic promulgated Act No. 24.871, under which foreign laws that, directly or indirectly, are designed to restrict or prevent the free exercise of trade and the movement of capital, assets or persons to the detriment of any country or group of countries, shall not be applicable or produce juridical effects of any kind in the territory of Argentina.

2. Article 1 of the Act provides that foreign laws that seek to produce extraterritorial juridical effects, through the imposition of an economic blockade or the limitation of investments in a given country, in order to bring about a change of government in a country or affect its right of self-determination, shall also be absolutely inapplicable and have no juridical effects.

3. Argentina's affirmative vote in the adoption of General Assembly resolution 55/6 is thus consistent with the country's position on the elimination of such measures.

Ecuador

[Original: Spanish]
[17 May 2002]

Ecuador wishes to reiterate, as on previous occasions, that it has not adopted, and will not adopt, laws that infringe upon the freedom of international trade, or that contain coercive economic measures as a means of political and economic compulsion, or that violate the principle of non-intervention in the internal affairs of other countries. These norms appear in the Constitution of Ecuador and therefore guide each and every legal, political and economic action of the country, at both the domestic and international levels.

Japan

[Original: English]
[31 May 2002]

1. The Government of Japan is not imposing any of the economic measures referred to in General Assembly resolution 55/6, and is not subject to such measures.

2. The Government of Japan takes the position that unilateral economic measures that are taken as the result of extraterritorial application of domestic laws are contrary to international law, and thus unacceptable. Based on this position, it voted in favour of the above-mentioned resolution.

Lao People's Democratic Republic

[Original: English]
[10 June 2002]

The Government of the Lao People's Democratic Republic upholds strictly the principles of peaceful coexistence, respect for national independence, sovereignty, self-determination and non-interference in the internal affairs of other countries. It expresses its concern over the negative impact of unilaterally imposed extraterritorial coercive economic measures on trade, financial and economic cooperation at all levels. The Lao Government refuses to recognize the unilateral extraterritorial law enacted and the imposition of penalties on corporations and nationals of other countries by any country. Such law and measures are contrary to the principles and norms of

international law and the Charter of the United Nations.

Mali

[Original: French]
[24 May 2002]

1. The Government of the Republic of Mali firmly condemns the use of unilateral extraterritorial coercive measures as a means of political compulsion. The use of such measures constitutes a flagrant violation of the norms of international law, in particular in relation to freedom of trade.

2. The Government of Mali believes that States should refrain from resorting to unilateral coercive measures. It is therefore convinced that the international community should adopt, as a matter of urgency, effective measures to eliminate the imposition against developing countries of unilateral extraterritorial coercive measures that are not authorized by the competent bodies of the United Nations or that do not conform to the principles of international law as set forth in the Charter of the United Nations, and that are contrary to the fundamental principles of the international trade system.

3. The Government is opposed to the adoption of unilateral extraterritorial coercive measures by any country in order to exert pressure with a view to changing a political or economic situation that is not within its territorial jurisdiction. In this respect, it reaffirms that every State has the inalienable right to economic, social and cultural development and the right to choose freely the political, economic and social system that it deems most conducive to the well-being of its population, in accordance with its national plans and policies.

Libyan Arab Jamahiriya

[Original: Arabic]
[20 June 2002]

1. The Libyan Arab Jamahiriya reaffirms its condemnation and firm rejection of any measures that bar any State from exercising its full political rights in choosing its political, economic and social systems, because this constitutes a flagrant violation of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, adopted by the General Assembly on 24 October 1970.

2. The General Assembly has on more than one occasion expressed its concern at the extraterritorial laws enacted by certain States, which violate the sovereignty of other States and have a negative impact on the interests of corporations and their personnel. All of the instruments and resolutions adopted by the General Assembly in this regard affirm that the enactment of such laws is incompatible with the principles of the Charter of the United Nations, constitutes a flagrant violation of the norms of international law, has an extremely negative impact on the economies of developing and developed countries alike and poses an obstacle to the endeavours of the international community aimed at constructive cooperation and mutually beneficial exchange.

3. The General Assembly has also affirmed that the enactment of such laws constitutes interference in the internal affairs of States and a violation of their sovereignty, and is incompatible with international instruments, including the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, adopted by the General Assembly in resolution 2131 (XX) of 21 December 1965, and the Charter of Economic Rights and Duties of States, proclaimed by the Assembly in resolution 3281 (XXIX) of 12 December 1974. Both of these instruments state that no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its political rights.

4. By adopting such resolutions and instruments, the General Assembly has given clear expression to the overwhelming rejection by Member States of coercive measures and the strength of their opposition to the use of such measures against other States as a means of compulsion and of forcing them to accept policies that are not appropriate for or satisfactory to them. An international consensus has developed with regard to the need for a halt to be put to such measures, which are adopted by certain States with a view to pursuing their foreign policies and which are employed in their dealings with other States.

5. The States concerned should comply with and respect the will of the international community, as expressed in the resolutions, declarations and instruments adopted at various levels within the United Nations and in other bodies. However, the measures that they have taken and the practices that they pursue demonstrate that their intentions are quite different. The United States of America, while not alone, is the State that has greatest recourse to this type of measure, has ignored international demands and continued its policy of imposing sanctions and embargoes: in mid-1996, the Senate adopted the D'Amato-Kennedy Act, which penalizes foreign companies that invest in the Libyan oil sector.

6. As was to be expected, the promulgation of that Act was widely greeted with unease and disapproval, and, in its resolution 55/6 of 26 October 2000, the General Assembly expressed its deep concern at the negative impact of unilaterally imposed extraterritorial coercive economic measures and called for the immediate repeal of those unilateral laws. It also called upon all States not to recognize unilateral extraterritorial coercive economic measures or legislative acts imposed by any State.

7. In addition, other international organizations, including the Organization of the Islamic Conference, the League of Arab States and the Group of 77 and China, have openly rejected coercive measures, while the Assembly of Heads of State and Government of the Organization of African Unity have demanded the elimination of such measures. Meetings of the Movement of Non-Aligned Countries at the heads of State and Government and ministerial levels have condemned such laws and the insistence of some States on applying and reinforcing them unilaterally; have affirmed that such measures as the D'Amato-Kennedy Act represent a violation of international law and the Charter of the United Nations; and have called upon the international community to take effective measures to halt this tendency.

8. The United States of America should have responded to the resolutions and calls of States, regional organizations and the General Assembly, which, in its resolution 55/6, expressed its deep concern at the negative impact of coercive measures and the serious obstacles posed to the freedom of trade at the regional and international levels. The Assembly also reiterated its call for the repeal of unilateral extraterritorial laws that impose sanctions on corporations and nationals of other States. However, the United States did quite the opposite: not only did it ignore the calls made by States and international and regional organizations for the repeal of the coercive economic measures provided for in the D'Amato-Kennedy Act but it proceeded to apply those measures. On 3 January 2000, the President of the United States addressed letters to the Speaker of the House of Representatives and the President of the Senate, notifying them of the extension beyond 7 January 2000 of the sanctions imposed on the Libyan Arab Jamahiriya, pursuant to the national emergency declared on 7 January 1986. The most conspicuous factor that clearly demonstrates the United States Administration's disdain for the will of the international community was the decision issued by it to the Committee on Foreign Relations of the United States House of Representatives on 22 June 2002, extending the D'Amato-Kennedy Act for five more years.

9. The United States of America claimed that the promulgation of Act H.R. 3107, known as the D'Amato-Kennedy Act, was in response to the failure by the Libyan Arab Jamahiriya to comply with Security Council resolutions 731 (1992), 748 (1992) and 883 (1993), and was aimed at halting its attempts to acquire weapons of mass destruction and maintaining economic pressure on Libya in order to restrict its ability to finance international terrorism.

10. In fact, there is not a grain of truth in the pretexts used by the United States Administration to extend the imposition of its coercive measures. The Libyan Arab Jamahiriya has carried out in full the demands of the Security Council in its resolutions, as was affirmed by the Secretary-General in his report submitted to the Security Council pursuant to paragraph 16 of resolution 883 (1993) and paragraph 8 of resolution 1192 (1998) (S/1999/726). Both directly and through regional and international organizations, such as the Organization of African Unity, the Organization of the Islamic Conference, the League of Arab States and the Movement of Non-Aligned Countries, States have recognized this compliance.

11. The claim that the D'Amato-Kennedy Act was intended to deprive the Libyan Arab Jamahiriya of a resource that it used to finance international terrorism is completely groundless, unsubstantiated by the evidence and the facts. Not only has Libya frequently and repeatedly condemned international terrorism in all

its forms and whatever its origin, but it is also a party to most of the international conventions on the elimination of international terrorism.

12. The Libyan Arab Jamahiriya is so concerned to ensure that this phenomenon is suppressed that, in 1992, it called for the holding of a special session of the General Assembly to prepare an effective programme to combat terrorism, including international terrorism, of which the Libyan people have been victims.

13. The United States of America appears to imagine that Libya is attempting to manufacture weapons of mass destruction and, eager to restrict the proliferation of such weapons, wishes to obstruct those endeavours by means of the D'Amato-Kennedy Act. The United States should remember that Libya is a party to most of the international disarmament conventions, foremost among those being the Treaty on the Non-Proliferation of Nuclear Weapons. We must ask ourselves which country it is that stockpiles nuclear weapons: is it not the United States of America which has the largest arsenal of such weapons and is continually seeking to increase their effectiveness?

14. One of the misapprehensions informing the reasoning behind the D'Amato-Kennedy Act is that Libyan behaviour represents a threat to the national security of the United States. The international community certainly recognizes the spurious nature of this claim: it is inconceivable that Libya, with its small population and limited resources, could constitute a threat of any kind whatsoever to the security of the United States, which is thousands of miles away. On the contrary, the Libyan Arab Jamahiriya, which gained independence through the 1969 revolution, clearing its soil of foreign military bases and achieving self-determination and control over its own resources, has, ever since, been subject to United States threats and coercive practices on a number of fronts, including the following:

(a) In 1981, the United States Government closed the Libyan People's Bureau in Washington, D.C., and imposed restrictions on the movement of members of the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations in New York. At the same time, the United States Government cancelled the residency permits of Libyan students studying in the United States and imposed a complete embargo on American exports to Libya, including irrigation equipment. It also halted all projects being undertaken in Libya in which American companies were in any way involved;

(b) In 1982, the United States Administration banned the sale to Libya of American civilian aircraft or of any other aircraft in the construction of which American technology was used. With effect from 1986, it banned the export to the Libyan Arab Jamahiriya of any American commodities or technology, including the spare parts essential to ensuring the safety of civilian aircraft and aviation, and imposed an embargo on air traffic between the Libyan Arab Jamahiriya and the United States of America and on the sale of tickets for air travel that included the Libyan Arab Jamahiriya in the itinerary. In that same year, the President of the United States signed an executive order to freeze all Libyan assets and property in the United States, including the assets of official organizations and institutions and assets held or managed by Americans or in American offshore banks. More than US$ 1 billion was frozen as a result;

(c) The United States Government carried out media campaigns aimed at obfuscating the position of the Libyan Arab Jamahiriya and blackening its international reputation. United States fleets in the Mediterranean Sea carried out acts of provocation and manoeuvres off the Libyan coast, which culminated in 1986, when the United States unleashed a military and naval onslaught inside Libyan territorial waters and on the main cities, in particular Tripoli and Benghazi, which caused scores of fatalities and an even greater number of injuries, in addition to the destruction of property.

15. In view of the above, the only explanation for the promulgation of the D'Amato-Kennedy Act is that it is just another chapter in the series of United States operations against the Libyan Arab Jamahiriya. The most alarming aspect of it is that it intensifies the action that has been taken against the Libyan people by the United States of America for almost two decades. It provides for the imposition of sanctions on corporations and nationals of other States that work with the Libyan Arab Jamahiriya in the field of oil and reinforces the embargo that the United States has imposed on the Libyan Arab Jamahiriya in this respect since 1981, when the President of the United States signed an executive order banning the export of equipment, machinery, materials, spare parts and any American technology for use in the production of Libyan oil. The intention was to destroy this sector

completely, and it is easy to appreciate just how devastating the effect of these measures was on a country in which oil is the principal source of national revenue and which provides the main funding for economic and social development plans.

16. These examples demonstrate the effects accruing from implementation of the provisions of the D'Amato-Kennedy Act, which is the subject of General Assembly resolutions 51/22, 53/10 and 55/6. They also demonstrate the other effects of United States practices against the Libyan people, including denying them access to knowledge, technology and the benefits of scientific development, confiscating their property, preventing them from implementing vital projects and putting obstacles in the path of economic cooperation with other countries by frightening off and terrorizing their corporations and nationals in order to prevent them from investing in the Libyan Arab Jamahiriya. While drawing attention yet again to the dangers of these measures, the Libyan Arab Jamahiriya repeats its appeal to the international community, through the General Assembly and the other international organizations, to resolutely oppose United States aims in promulgating the D'Amato-Kennedy Act, or any other extraterritorial coercive economic measures that have been adopted in violation of the Charter of the United Nations and other bases of international law.

17. The Libyan Arab Jamahiriya also urges the States of the world to make clear to the State which promulgated this Act and insists that it continue to be implemented that this is a glaring error that must not continue. That State's sovereignty is not superior to that of any other State and the international community has not delegated to it the administration of global affairs through its domestic legislation.

18. The Libyan Arab Jamahiriya again urges the international community strongly to reject the imposition of laws and prescriptions which have extraterritorial implications and all other forms of coercive economic measures, including unilateral sanctions against developing countries, and reiterates the urgent need for them to be repealed forthwith. The Libyan Arab Jamahiriya stresses that measures of this type are not merely destructive of the principles enshrined in the Charter of the United Nations and international law, but also pose a grave threat to freedom of trade and investment. The Libyan Arab Jamahiriya urges the international community not to recognize or implement such measures.

Syrian Arab Republic

[Original: Arabic]
[6 June 2002]

1. The Syrian Arab Republic, on the basis of its position of principle on the agenda item entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion", voted in favour of resolution 55/6, in which the General Assembly expressed its deep concern at the negative impact of unilaterally imposed extraterritorial coercive economic measures and called upon all States not to recognize or apply unilateral extraterritorial coercive measures or laws imposed by any State, which were contrary to recognized principles of international law.

2. In adopting that resolution, the General Assembly reiterated its call for the repeal of such laws and reaffirmed that all peoples have the right to self-determination and that, by virtue of that right, to freely determine their political status and freely pursue their economic, social and cultural development.

3. In this connection, we draw attention to the fact that the Heads of State or Government of Non-Aligned Countries, at their meeting held in Durban, South Africa, expressed the need to eliminate coercive measures and legislation as contrary to international law, the principles and purposes of the Charter of the United Nations and the norms and principles governing peaceful relations among States, and urged States applying unilateral coercive measures to put an immediate end to those measures.

4. We also draw attention to the Declaration of the South Summit, held at Havana, in which the Heads of State and Government of the member States of the Group of 77 and China stated that they firmly rejected the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures. They emphasized that such actions not only undermined the principles enshrined in the Charter of the United Nations and international law, but also severely threatened the freedom of trade and investment. They therefore called on the international community neither to recognize these measures nor to apply them.

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Item 31 of the provisional agenda*
Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion

Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion

Report of the Secretary-General**

Addendum

II. Replies received from Governments

Iran

[Original: English]
[23 July 2002]

1. The General Assembly of the United Nations adopted, successively, resolutions 51/22, 53/10 and 55/6, in which it expressed its deep concern at the negative impact of unilaterally imposed extraterritorial coercive economic measures on trade, financial and economic cooperation, including trade and cooperation at the regional level, as well as serious obstacles to the free flow of trade and capital at the regional and international levels.

2. The Member States, in adopting these resolutions, have rejected the application of extraterritorial coercive economic measures or legislative enactments unilaterally imposed by any State. They have also called for the repeal of unilateral extraterritorial laws that impose sanctions on corporations and nationals of other States.

3. Promulgation and application of laws or regulations that have extraterritorial effect or that affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction — a clear violation of the universally accepted principles of international law — has been strongly rejected on various occasions by the overwhelming majority of States.

4. The South Summit, held at Havana, and the recent Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned countries, held at Durban, South Africa, have called for the elimination and rejection of coercive economic and extraterritorial implementation of such laws against developing countries.

5. Simultaneously, an increasing number of voices in multilateral forums, regional bodies and the private sector have joined the international community and called for the total elimination and lifting of unilateral

* A/57/150.
** The replies reproduced in the present document were received after the original report was submitted for publication.

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extraterritorial and other forms of coercive economic measures.

6. Coercive economic measures as a means of political and economic compulsion, in particular through the enactment of extraterritorial legislation, are not only against the well-recognized provisions and principles of international law and the Charter of the United Nations, but also threaten the basic fabric of international peace, security and stability and violate the sovereignty of States. They also impede and constrain settlement of disputes through the promotion of mutual dialogue, understanding and peaceful means.

7. In an era of rapid and unprecedented change, the world needs peace, security and stability, which could be strengthened through the collective responsibility of countries and also through, inter alia, respect for sovereignty, rejection of interference in the internal affairs of other States, refraining from compulsion and intimidation, as well as the creation of an enabling environment for replacing conflict and unequal relations with dialogue and negotiations.

8. Such coercive measures have a serious adverse impact on the overall economic, commercial, political, social and cultural life of the targeted countries, and intensify the challenges they face in a time of globalization and its concomitant traumatic transformations. Moreover, they have an adverse impact on the transfer of technology, increase the rate of investment risks, threaten financial and monetary management, weaken industrial and agricultural infrastructures and undermine the commercial policies of the targeted countries.

9. Such measures reduce existing actual and potential capacities of targeted countries in the very important areas of health and education, which are basic elements in every social welfare programme. This in itself delays the development of their economic infrastructure and results in further exacerbation of regional social and economic outlook.

10. Enforcement of unilateral coercive economic measures, in defiance of the Charter, has inflicted grave and irreparable losses, including a heavy financial and human toll, on the targeted countries. To this effect, the Islamic Republic of Iran, as one of the affected countries, reserves its right to pursue its financial and intellectual claims and lodge its complaint against Governments enacting those measures, through the adoption of concrete actions. All countries should, in the true spirit of multilateralism and sincere observance of international laws and regulations, avoid resorting to and enacting such measures.

Jamaica

[Original: English]
[28 June 2002]

1. The Government of Jamaica has repeatedly supported the resolutions of the General Assembly to date, in which it condemns the use of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion. Such practices are contrary to the Charter of the United Nations and the principles of international law.

2. Unilateral coercive economic measures threaten the sovereignty of States, with deleterious effects on all aspects of their development. As a method of economic or political compulsion, they are an affront to the targeted State and compromise its economic, political and cultural identity. They affect the most vulnerable groups in society, including women, children and the disabled.

3. In accordance with paragraph 2 of resolution 55/6, Jamaica recognizes the universal, inalienable and sovereign rights of all States, including the right to economic, social and cultural development, political status and self-determination.

4. Therefore, Jamaica has never adopted unilaterally any legislation or measure with the intent or effect of extraterritorial coercion as a means of political and/or economic compulsion.

Qatar

[Original: Arabic]
[June 2002]

1. The Government of the State of Qatar has consistently opposed the imposition of unilateral sanctions on a sovereign State. The imposition of sanctions on other countries with a view to economic interests or the achievement of political ends constitutes a violation of the principle of sovereign equality and the right to self-determination, as set forth in the Charter and the relevant resolutions of the United Nations. It is also incompatible with the development of friendly relations and the strengthening of international cooperation among Member States.

Article 32 of the Charter of Economic Rights and Duties of States, adopted by the General Assembly in resolution 3281 (XXIX), states: "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights".

2. The General Assembly, in resolution 53/10, also reaffirmed the inalienable right of every State to choose the political, economic and social system that it deems to be the most appropriate for the welfare of its people, in accordance with its national plans and policies.

3. The State of Qatar therefore affirms its categorical rejection of all attempts aimed at the extraterritorial application of domestic laws to nationals or corporations of third countries for the purpose of coercing other countries to comply with unilaterally adopted economic measures, which is contradictory to international law and the Charter of the United Nations.

Namibia

[Original: English]
[13 June 2002]

The Government of the Republic of Namibia does not have unilateral extraterritorial laws that impose coercive economic measures, contrary to international law, on corporations and nationals of other States. Such laws are not recognized by Namibia, since they violate the principles and objective of the Charter of the United Nations.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions

Assistance for humanitarian relief and the economic and social rehabilitation of Somalia

Report of the Secretary-General

Summary

The present report, prepared in compliance with General Assembly resolution 56/106 of 14 December 2001, reviews the prevailing conditions in Somalia, taking into consideration the assistance provided by the United Nations and its partners. It draws attention to progress made over the past year and priority areas of assistance according to likely developments.

The report outlines key developments in Somalia that have directly affected the well-being of the Somali people and United Nations operations in the country. Recent and ongoing fighting between rival factions in the southern and north-eastern parts of the country, in addition to continuing volatility in Mogadishu, are mentioned as particularly significant.

The report also outlines the impact of the continuing ban on livestock exports to certain Gulf States and the closure of remittance banks.

In terms of progress made, key interventions undertaken to alleviate the effects of conflict, poverty, food insecurity and related displacement are highlighted. Progress in a number of sectors, such as health, education, water and sanitation, is described. Focus is placed on the difficult security environment in which United Nations agencies operate, the insecurity that United Nations workers face and the direct impact of security-related programme disruptions on beneficiaries throughout Somalia. Somali leaders are called upon to ensure the safety of humanitarian workers.

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The report concludes that although significant progress has been made during the reporting period, a deteriorating security situation and a lack of funding continue seriously to hamper humanitarian, recovery and development programmes in Somalia, leading to increased vulnerability among the Somali people. It is recommended that Member States support programmes through the Consolidated Appeals Process and Trust Fund for Peace-Building in Somalia in efforts aimed at assisting Somali communities to rebuild, reconcile their differences and build peace.

I. Introduction

1. The present report is submitted in compliance with General Assembly resolution 56/106 of 14 December 2001, in which the Assembly requested the Secretary-General to take all necessary measures for the implementation of that resolution and to report thereon to the Assembly at its fifty-seventh session. The report reviews the current and prevailing conditions in Somalia in relation to humanitarian relief and economic and social rehabilitation, taking into consideration the assistance provided by the United Nations and its partners. It also draws attention to progress made over the past year and focuses on priority areas for assistance according to expected developments.

II. Socio-economic situation

A. Political and security situation

2. A number of important developments directly affecting socio-economic conditions in Somalia occurred during the reporting period. Somalia became the focus of international attention following the events of 11 September 2001 in the United States of America. The assets of a Somali organization, Al-Itihaad al-Islamiya, were blocked by a United States Presidential Order because of the group's alleged links to terrorism. Other Somali individuals and groups were later added to the list, including the Al-Barakaat Group of companies, one of Somalia's biggest remittance and telecommunication businesses.

3. In further efforts to promote peace and reconciliation in Somalia, the ninth Inter-Governmental Authority on Development (IGAD) Summit, held in Khartoum in January 2002, mandated the frontline States (Kenya, Djibouti and Ethiopia) and the IGAD secretariat to hold a national reconciliation conference for Somalia in Nairobi, with Kenya acting as the co-coordinator. President Moi of Kenya had earlier convened two Somali reconciliation meetings in Nairobi in November and December 2001. Preparations for the national reconciliation conference for Somalia have since run into obstacles and the conference was postponed. Nevertheless, diplomatic efforts are ongoing to enable it to take place at a later date.

4. Meanwhile, the country has undergone political turmoil and insecurity, including in relatively stable areas of the north-west and north-east. Local elections in "Somaliland", which were expected to launch the transition to a multi-party system, were postponed indefinitely in December 2001. On 3 May 2002, "President" Mohamed Ibrahim Egal died after surgery at a hospital in South Africa. He was immediately succeeded by "Vice-President" Dahir Riyale Kahin in what was accepted as a constitutional transfer of leadership. Subsequently, Ahmed Yusuf Yassin was sworn in as "Vice-President" on 16 May 2002. Relative stability in the region has allowed United Nations operations to continue largely uninterrupted during the reporting period.

5. In "Puntland", the controversy surrounding Colonel Abdullahi Yusuf Ahmed seeking an extension of his term in office as "President" in mid-2001 led to a serious constitutional crisis. Two claimants to the leadership emerged — Abdullahi Yusuf Ahmed and Jama Ali Jama; the latter was elected "President" after an elders' conference in August 2001. The ensuing stalemate ended in May 2002 when Abdullahi Yusuf Ahmed entered Bossaso accompanied by a militia force, forcing Jama Ali Jama to leave the country. Following an evacuation of international staff from areas affected by the fighting, the United Nations is yet to resume its programmes in the region fully.

6. In southern Somalia, the Transitional National Government (TNG) suffered a motion of no confidence in the Transitional National Assembly on 28 October 2001. Hassan Abshir Farah was later named as the new Prime Minister. In an effort aimed at local reconciliation with opposition groups, President Abdikassim Salad Hassan visited districts in Lower Shabelle in November 2001 and in Galgadud and Hiran in March 2002. On 1 April 2002, the Chairman of the Rahanwein Resistance Army (RRA), Hassan Mohamed Nur "Shatigudud" was nominated "president" of a newly formed regional administration, the "Southwestern Regional State of Somalia".

7. An inter-agency United Nations security assessment in January 2002 confirmed that Somalia remained one of the most dangerous environments in which the United Nations operates. In particular, the report confirmed that conditions in Mogadishu did not allow for a permanent United Nations presence. The security situation has since continued to be volatile, with the main airports and seaports remaining closed.

Intense fighting began in February 2002 around the Medina district of Mogadishu between militia loyal to TNG and the Somalia Reconciliation and Restoration Council (SRRC).

8. There have been several attacks against expatriate and national staff of the United Nations and non-governmental organizations (NGOs) working in Mogadishu and Lower Shabelle during this period. In February 2002, a Swiss aid worker was murdered by gunmen in Merka, south-west of Mogadishu. In the same month, the head of the UNICEF office in Mogadishu was kidnapped, but later released. Moreover, on 28 April 2002, a United Nations Development Programme (UNDP) national officer working in Mogadishu was abducted by gunmen and held until 25 May 2002, leading to the suspension of all United Nations activities in the city from 7 to 25 May 2002. United Nations activities are yet to resume fully in Mogadishu.

9. The region of Gedo has also seen intense fighting in recent months. In February 2002, fighting broke out between SRRC and Juba Valley Alliance (JVA) militias. Intra-clan conflict among the Marehan then escalated in north Gedo in mid-May 2002. The fighting led to significant casualties and resulted in displacement, both within Somalia and to neighbouring countries. The situation in the area remains tense, preventing refugees from returning.

B. Humanitarian issues

10. This reporting period has seen a worsening of humanitarian conditions in many parts of Somalia. The combined impact of drought, conflict and resulting displacement continues to exacerbate already difficult conditions for the most vulnerable. It is now estimated that more than 700,000 Somalis are directly affected by the emergency.

11. In terms of food production, the 2001 *gu* rainy season in southern Somalia saw a reduced crop, totalling 115,000 metric tonnes of sorghum and maize. However, Somalia benefited from an above average total cereal production of 140,000 metric tonnes during the 2001 *deyr* harvest. The combined *gu* and *deyr* cereal production in southern Somalia for 2001 was estimated at 255,000 metric tonnes. The 2002 *gu* season got off to a good start in April and appears promising in the Bay, Bakool and Gedo regions.

12. In addition to cereals, livestock play a major role for overall food security in Somalia through the consumption and sale of milk, meat and other products. Without this vital source of income, many families are unable to purchase the necessary staple foods. As such, the disruption of local markets and trade, as a result of conflict and insecurity, has had a profound negative impact on vulnerable groups. Regarding the quality of pasture, a crucial factor for those dependent on livestock, there has been a slight improvement in the Bari region and parts of the Sool and Sanag regions. However, the Awdal region is still badly affected by poor pastures, resulting in lower livestock conception rates and the reduced availability of milk.

13. In the health sector, endemic diseases such as tuberculosis, malaria, diarrhoea, acute respiratory infection, emerging diseases, such as leishmaniasis, and cyclic outbreaks of cholera, measles and meningitis continue to threaten the lives of Somalis despite a swift response to reported outbreaks by United Nations agencies and NGOs.

14. Overwhelmingly, insecurity remains the most significant obstacle to the provision of humanitarian assistance to the groups most in need, including internally displaced persons, returnees, economic migrants, urban poor and minority groups. This is particularly evident in the Gedo region, where more than 150,000 people have been cut off from humanitarian assistance since April 2002. Most important, humanitarian aid workers have been unable to carry out crucial food distributions for more than two months. The conflict in Gedo has also seen the movement of an estimated 10,000 Somali refugees — 3,500 of whom have been registered — into Mandera, in neighbouring Kenya, and a further 3,000 to 5,000 to Dollow, in Ethiopia. It is estimated that approximately 300,000 to 350,000 persons are now internally displaced in Somalia.

15. Following a suspension of United Nations activities in Mogadishu in May 2002, an estimated 1 million inhabitants of the city were denied access to critical assistance, particularly in the health, water and sanitation sectors. The disruption of National Immunization Days, scheduled to take place in May 2002 as part of the campaign to eradicate polio, was of particular concern. Continued fighting in Mogadishu has rendered it too insecure to carry out full humanitarian and development activities there since May 2002.

16. The suspension of international aid activities in the north-east on 6 May 2002, linked to the change of leadership in "Puntland" and related fighting, has meant that major humanitarian and development projects, ranging from water and sanitation projects to the rehabilitation of the port of Bossaso, have effectively stalled. However, national staff continue to undertake limited activities under difficult conditions.

C. Economic issues

17. The lack of institutional capacity to collect and compile statistics means that very limited reliable statistical data is currently available for Somalia. However, the Somalia Watching Brief programme, implemented by UNDP and supported under the Post-Conflict Fund of the World Bank, collaborates with TNG, regional administrations and other development partners to review and prioritize data needs and to collect and compile socio-economic information. It is expected that this initiative will help to compile a set of development indicators to monitor socio-economic conditions and assess the impact of international development efforts in Somalia.

18. Widespread basic vulnerability in Somalia is largely attributed to the country's restricted natural resource base, the limitations of agricultural and livestock production methods used and the impact of past economic practices. Climatic changes, irregular rainfall as well as frequent droughts contribute further to creating vulnerability. Man-made factors, such as the continued ban on Somali livestock imports by some Gulf States and the closure of one of the leading Somali remittance companies in November 2001, have also played a significant role.

19. Moreover, conflict and asset stripping have crippled household economies and forced hundreds of thousands of Somalis to flee from their homes. It should be noted that poor urban residents and farmers have been the worst affected, as their assets are less mobile than those of pastoralists. The loss of assets, including land, has resulted in overwhelming destitution for previously self-sustaining households. Most of the assets are yet to be restored due to the absence of any large-scale programmes for rehabilitation and reconstruction.

20. Although the private sector continues to expand, it is largely constrained by a general lack of national institutional capacity to support and sustain growth. Weak banking and financial services, regulatory frameworks and quality control have seriously limited access to international markets and the capacity to benefit from ongoing globalization and economic integration.

21. In this context, intraclan, intracommunity and intrafamily assistance and resource redistribution have been vital in mitigating the worst effects of recurrent stress and crises. Remittances have constituted a major source of foreign exchange earnings during the last 10 years, significantly augmenting the economy in Somalia. As mentioned, the closure of Al-Barakaat, a leading money transfer company, after the 11 September tragedy and the growing difficulties faced by other companies engaged in international money transfer operations have therefore had a major impact on coping mechanisms in Somalia.

III. United Nations assistance in Somalia

22. United Nations agencies work in tandem with over 60 international NGOs, which, together with donors, comprise the Somalia Aid Coordination Body. The United Nations agencies continue to implement a previously adopted four-part humanitarian and development strategy to increase access to essential social services and to build an enabling environment for peace and reconciliation. This strategy encompasses how the United Nations will (i) secure access to vulnerable populations; (ii) establish a secure and safe operating environment; (iii) provide assistance and protection; and (iv) improve coordination, security and support services.

23. As mentioned, the security of humanitarian staff remains a key concern. It is difficult to predict security conditions, as they vary fundamentally from region to region. Insecurity and conflict often make it impossible for staff to access vulnerable populations and there are direct threats to the safety of those on the ground.

24. In spite of the difficult and often hostile environment faced by the United Nations and partner NGOs, significant progress has been made with regard to achieving the objectives outlined in the 2002 Inter-Agency Consolidated Appeal for the delivery of assistance.

A. Food security and rural development

25. The World Food Programme (WFP) estimates serious food vulnerability for up to 700,000 people in some areas of Somalia. The WFP strategy aims to sustain lives as well as support and maintain livelihoods. This strategy has enabled WFP to contribute to a broader framework for integrated rehabilitation programmes, while maintaining its flexibility to respond to development opportunities and emergency situations alike. In November 2001, WFP initiated an ongoing major relief food distribution in the severely affected districts of Garbaharrey and Burdhuubo in the Gedo region.

26. During this reporting period, WFP has distributed a total of 14,400 tonnes of food commodities to an estimated 1.2 million beneficiaries. The United Nations Children's Fund (UNICEF) provided additional specialized supplementary and therapeutic feeding supplies to malnourished children through implementing partners in 12 Mother and Child Health Centres, 2 hospitals and 2 therapeutic feeding centres in the Bay, Bakool, Gedo and Banadir regions.

27. The Food Security Assessment Unit (FSAU) of the Food and Agriculture Organization of the United Nations (FAO) continues to collect and analyse information required to understand the food security situation and, through ongoing monitoring, is able to provide early warning of emergencies.

28. FAO and UNDP have collaborated to support the livestock trade through a mission to the United Arab Emirates to determine its regulations for the import of chilled meat. Training courses for slaughterhouse staff have been held in Zimbabwe.

29. Relating to rural development, UNICEF, WFP and FAO are leading the initiatives while collaborating with other United Nations agencies and NGOs. Activities include water provision and rehabilitation of wells, as well as water catchment areas. In the north-east, UNICEF has worked very closely with the water administration of "Puntland" on coordination, planning and management of water system structures. In the north-west, the Office of the United Nations High Commissioner for Refugees (UNHCR) trained 12 village committees to enable them to establish sustainable water management systems with the full involvement of women. In central and southern Somalia, UNICEF and WFP placed more emphasis on rehabilitation of village or rural water supplies and mini-water systems. During the reporting period, UNICEF rehabilitated over 20 mini-water systems and approximately 120 hand-dug wells, providing potable water to over 100,000 people.

B. Health and nutrition

30. The World Health Organization (WHO) and UNICEF, in conjunction with other implementing partners, were engaged in efforts to reduce the transmission of disease. WHO and UNICEF responded to reports and outbreaks of cholera by sending out response teams and providing necessary medical supplies to the Cholera Treatment Centres.

31. WHO, UNICEF and other implementing partners successfully immunized 190,000 persons out of a targeted population of 220,000 following a meningitis outbreak detected in Hargeisa in October 2001. WHO continues to ensure surveillance and supports case management at Hargeisa Hospital. It also provides laboratory support in the form of laboratory kits to the concerned health facilities.

32. WHO and UNICEF established programmes that seek to control priority communicable diseases (malaria, tuberculosis, diarrhoea and acute respiratory infection). These programmes have particularly focused on the strengthening of health services. UNICEF provided basic drugs and essential medical equipment to approximately 400 health facilities, including hospitals, Mother and Child Health Centres and health posts.

33. WHO and UNICEF have embarked on a project to introduce syndromic management of sexually transmitted diseases. Thirteen sites have been identified and supplied with, inter alia, drugs, manuals, diagnostic flow charts, reporting forms and tally sheets. Blood safety is being ensured in the hospitals by the provision of medical kits.

34. In 2001, WHO carried out training on syndromic management for health professionals in health facilities in Garoowe, Baidoa and Mogadishu. UNICEF carried out similar training in Hargeisa. Further training on HIV/AIDS clinical management for health professionals was carried out in Hargeisa, Baidoa and Mogadishu. Despite the relatively low prevalence of HIV/AIDS in Somalia, UNICEF and WHO have given

priority to raising HIV/AIDS awareness, especially among the youth.

35. WHO has enhanced its capacity, including health manpower development, through the following activities: strengthening of its laboratory capacities in the areas of tuberculosis, malaria and meningitis investigation; blood safety and cholera control; and emergency response to disease outbreaks.

36. WHO and UNICEF had initially planned four rounds of Polio/AFP (acute flaccid paralysis) National Immunization Days for 2001, targeting 1.3 million children. Conflict and insecurity have interfered with this campaign. Nevertheless two supplemental immunization days and three national immunization days took place in 2001. In 2002, three supplemental immunization days have been conducted to date. Approximately 1.2 million children have been vaccinated during each national round.

37. Regarding reproductive health, the United Nations Population Fund (UNFPA) has been active, working in close collaboration with CARE to complete a reproductive health baseline survey in Garoowe and the surrounding areas of Puntland. UNFPA has carried out training for 31 traditional birth attendants from villages in Garoowe on antenatal care and essential obstetric care. Twenty-one midwives in Garoowe were trained in both essential and emergency obstetric care. In 2002, UNFPA also provided family planning supplies to the Ministry of Health and Labour in Somaliland. UNICEF supplied clean delivery kits to traditional birth attendants and health facilities throughout Somalia that provide antenatal care.

38. UNICEF continues to be active in the eradication of female genital mutilation. It has collaborated with Al Azhar University in Egypt as well as Somalia local authorities to train trainers from different regional working groups on female genital mutilation in Somalia. These working groups raised awareness at the regional, district and village levels; reaching out to share experiences, exchange best practices and mobilize families and communities on the total eradication of female genital mutilation. UNICEF is also involved in the simultaneous development of two different curricula to raise awareness about this issue. UNHCR has successfully supported a programme against female genital mutilation in Boroma, in the Awdal region.

39. Regarding targeted nutrition programmes, the Food Security Assessment Unit of FAO continues to conduct annual harvest and food aid need assessments and to monitor food insecurity. FSAU also supports nutrition surveillance through partners in the health sector.

40. In southern Somalia, malnutrition rates continue to be among the highest in the Horn of Africa. Although there has been deterioration in the status of northern populations, the situation there is significantly better than in the south. FAO is engaged in a new initiative that seeks to improve the nutritional status of the most vulnerable groups in the Gedo, Bay and Bakool regions through support to community-based food security initiatives and increased coordination between interventions in the health and food security sectors.

41. WFP has continued to support school-feeding programmes in stable areas. UNICEF continues to provide supplies to Supplementary and Therapeutic Feeding Centres and Mother and Child Health Centres. There is fruitful collaboration between these agencies, other United Nations agencies and NGOs, such as the Gedo Health Consortium and Action contre la faim. More than 32,400 malnourished children have received UNICEF health and nutrition packages and family rations provided by WFP.

C. Water and sanitation

42. UNICEF continues to take the lead role in programmes to strengthen sanitation and hygiene in schools. Sanitation tools were distributed to assist internally displaced persons' communities in cleaning up their environment. UNICEF provided chlorine and water purification training as part of efforts to ensure cholera prevention and control within the country.

43. Some 200 drums of chlorine, 600,000 sachets of oral rehydration salts and 20 cholera kits were pre-positioned by UNICEF for use during the cholera season. WHO also provided water-testing equipment to hospital laboratories in Mogadishu, Bossaso, Hargeisa and Las Anod in order to improve the quality of water consumed and reduce water-borne diseases.

44. WHO currently gives backing to 66 Basic Development Needs villages in Somalia through the provision of regular support in the form of water,

livestock, veterinary, small-scale trading and skilled professionals.

D. Education

45. While both the number of operational schools and the number of enrolled students have increased by over 30 per cent since 1997/1998, the overall national percentage of enrolled primary school children is 13.6 per cent. Gender-related disparities remain an area of major concern.

46. Under Primary Formal Education programmes, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF continue to collaborate on projects that boost formal and non-formal education in Somalia. Both agencies continue to lead the process to reform the new Somali primary school curriculum. A new syllabus and new textbooks are being developed, with material for all six subject areas for grades 1 to 4 having been finalized by UNICEF and printed by UNESCO. For the very first time in over two decades, Somali children will benefit from qualitative contemporary textbooks.

47. UNICEF has provided in-service training to 5,000 teachers in the methodologies and pedagogical aspects of the new textbooks. Fifty-six titles are being prepared by UNESCO for upper primary school, along with syllabuses, teacher guides and supplementary readers. Somaliland Teacher Education College was started with assistance from UNESCO with an intake of 250 first-year students.

48. The introduction of an Education Management Information System by UNICEF is well under way, with the system firmly grounded in primary schools across Somalia and starting to provide regular and reliable data.

49. There continues to be a focus on primary education through alternate channels. UNICEF completed a study on nomadic populations, which is being used to find ways to provide quality primary education to nomadic children. Non-formal education modules, including curriculums, syllabi, learner modules and teachers' guides for numeracy, literacy, science, social studies and life skills (including sexually transmitted diseases, HIV/AIDS, female genital mutilation and other critical areas), were finalized in 2001 by UNICEF.

50. UNICEF supported the establishment of 100 community-based education and development youth groups, and 15 playgrounds were rehabilitated and equipped for their use. UNESCO support has included capacity-building of sports authorities; integration of sporting activities in the disarmament, demobilization and reintegration of combatants through the Sports for Peace Project, which primarily plans sports activities in the larger demobilization exercise in Somalia. Community empowerment and syllabus development took place through technical vocational skills training that was conducted for over 100 out-of-school youth trainees for the acquisition of employable skills and empowerment of the communities.

51. UNESCO conducted enterprise-based training for the demobilization of 450 militia between the ages of 15 and 35. Both literate and illiterate trainees were trained in 11 trades. Through the civic and peace education programmes, UNESCO has produced and dispatched 60 radio episodes, aired by all partner radio stations in Somalia. These programmes are part of the ongoing efforts to build capacities for the sustainable promotion of local peace and development.

E. Human rights and gender

52. In compliance with General Assembly resolution 54/136 of 17 December 1999, in which the United Nations Fund for Women (UNIFEM) was requested to strengthen the capacities of women in situations of armed conflict and to promote the integration of a gender perspective into all peace-building activities, UNIFEM has made achievements in the following areas in Somalia.

53. Regarding demobilization and reintegration, UNIFEM has developed a gender-desegregated database on former militia and their dependants. From December 2001 through February 2002, UNIFEM and NGO partners assessed the psychological burden of female caretakers of ex-combatants. Further to these studies, UNIFEM has commissioned an independent experts' mission to carry out a global gender assessment of the impact of armed conflict on women and women's role in peace-building. UNIFEM received substantial support from UNHCR, UNICEF, the United Nations Political Office for Somalia, WFP and other partners.

54. Gender and women's issues are an important aspect of the reintegration activities of the Office of the United Nations High Commissioner for Refugees. As such, UNHCR continues to consult with and support grass-roots women's groups in order to foster the involvement of women in peace-building and reconciliation. In 2001, UNHCR committed to support the Galkacyo Education Centre for Peace and development in "Puntland" in order to enhance the role of women in peace-building.

55. In "Somaliland", furniture and income-generation supplies were provided by UNHCR to four Family Life Education Centres for women's groups that were provided with productive skills through non-formal education to enhance their living standards and self-reliance.

56. UNIFEM has been requested by women's organizations to provide technical support to the Somalia Women's Campaign on Disarmament in the southern and central regions. In its brokering role, UNIFEM has connected women's peace advocates with mainstream United Nations agencies and other organizations. UNICEF and UNHCR have also been very active in fostering the involvement of women in peace-building and reconciliation.

57. UNIFEM continues to support interclan dialogue among women in order to promote reconciliation and peace in the North-east and Lower Shabelle regions. Additionally, UNIFEM supported the participation of four Somali women at a policy seminar on mainstreaming gender in the peace-building and humanitarian policies and programmes of the Intergovernmental Authority on Development. UNIFEM further supported the participation of two Somali women in the Horn of Africa Regional Conference on Women and Information Communication Technologies.

58. UNIFEM has worked closely with the UNDP Civil Protection Programme to mainstream gender in its activities. In January 2002, UNIFEM started the implementation of its project that will ensure appropriate State and public action to counter the exclusion of women from access to legal recourse. It will encourage law enforcement agencies to respond to violence and rights abuses to which women and girls are subjected.

F. Repatriation and reintegration

59. As part of the overall peace-building and reconciliation efforts, UNHCR continued in 2001 and 2002 actively to promote voluntary repatriation and initial reintegration of Somali refugees to northern Somalia, where security conditions were stable.

60. A total of 36,000 Somali refugees have been assisted to return in the reporting period, mainly from eastern Ethiopia. A total of 51,333 refugees were repatriated in 2001 from various parts of the world. By the end of 2001, UNHCR met the objective of closing three camps in eastern Ethiopia.

61. UNHCR implements community-based projects in areas of return, aiming at self-reliance and the extension of basic services to enhance the capacity of local authorities and communities to receive returnees. There are 118 ongoing reintegration projects in partnership with agencies such as UNDP, UNICEF, FAO, partner NGOs, local authorities and beneficiaries.

62. Under the leadership of the United Nations Resident/Humanitarian Coordinator, the United Nations agencies and NGOs have reaffirmed and strengthened their commitment to work together to address the short-term and longer-term needs of reintegrating populations and their communities.

63. UNHCR constructed and/or rehabilitated 41 schools in the reporting period, providing access to a total of 60,000 children since 1991. More than 300,000 women and children have benefited from access to maternal and child health care following the construction or rehabilitation of a total of 55 health centres and related facilities, 10 of which were constructed or rehabilitated in the reporting period. Forty-six water facilities have been completed with five still ongoing during the reporting period.

64. Additionally, FAO and the International Labour Organization are providing consultants to the UNDP and UNHCR reintegration programme to undertake an assessment of the agriculture and livestock needs of returnees in the districts of Hargeisa and Burao. Proposals will be developed in line with the inter-agency development plan.

65. In 2001, the administration in Somaliland under the supervisory assistance of UNHCR provided international protection to a total of 589 urban refugees, of which 205 received a monthly subsistence

allowance. UNHCR further pursued resettlement to third countries as the major durable solution for refugees who had no prospect of voluntary repatriation or self-sufficiency through local integration. Eighty-eight refugees have already been resettled in the reporting period, while another 14 persons have been accepted for resettlement.

66. UNHCR strengthened its returnee monitoring system in 2002. Its main aim is to ensure effective re-establishment of national protection and improve external information-sharing on the realization of the legal, physical and material rights of returnees so that agencies can take appropriate action to foster sustainable reintegration.

G. Development programmes

67. UNDP has completed the formulation of the new phase of the Somali Civil Protection Programme, with the objective of strengthening strategic coordination and Somali ownership of project activities, as well as inter-agency collaboration within the framework of a development strategy for peace-building. The key features of this programme include increased mobilization of community efforts to participate in the reconstruction of law enforcement and judicial services, with a strong focus on human rights and women's participation in the re-establishment of the rule of law.

68. The programme will continue to provide support to Somalia's efforts in the field of disarmament, demobilization and reintegration as well as the re-establishment of the rule of law and mine action.

69. The UNDP Small Arms Control Project has completed its initial preparatory assistance phase, having established a research framework and a multi-year project in support of United Nations efforts to enforce the arms embargo and address issues of small arms proliferation and the threat small arms pose to Somali communities and the peace-building process. In this regard, Security Council resolution 1407 (2002) of 3 May 2002 established a team of experts to investigate violations of the arms embargo and make recommendations for further action by the international community.

70. The commencement of the ILO labour-based rehabilitation pilot project in support of broad demobilization activities in Somalia signals the renewed efforts of the international community to address economic recovery and social reintegration of the militia.

71. UNICEF has commenced an expanded child protection programme for Somalia in close cooperation with UNDP and other agencies, addressing formal and non-formal juvenile justice and law enforcement mechanisms, capacity-building of police officers in relation to child protection, prevention of juvenile delinquency and training of youth, and small arms and demobilization in relation to child soldiers.

72. UNICEF works with a local NGO to support the demobilization and reintegration of former child soldiers in Mogadishu. The project, which started in the third quarter of 2001, envisages the reintegration of about 120 youth formerly recruited and active with the local militia. UNICEF is facilitating the demobilization of former child soldiers in Mogadishu.

73. UNICEF is initiating a study to review the protection needs of children in Somalia and to prioritize future interventions. As part of this process, UNICEF and UNHCR are collaborating with Save the Children UK and USA to conduct a more detailed situation analysis of north-western Somalia.

74. The UNDP-initiated Psycho-social Counselling Project will be launched with support from the United Nations Country Team and specialized agencies. This multi-agency intervention aims to address the widespread problem of psychosocial trauma and mental illness in conflict-affected Somali communities. Pilot activities will commence in July in north-west Somalia.

75. In terms of socio-economic recovery, UNDP is now focusing on the reduction of human poverty in Somalia through support to private-sector growth and development and reintegration of returned refugees, internally displaced persons and demobilized militia. UNHCR continues to be active in Somaliland through its programmes to foster the economic self-sufficiency of women.

76. UNDP supports macroeconomic planning and management in Somalia to address constraints to private-sector growth and development. UNDP support to promote and develop the private sector also includes strengthening the legal and regulatory system for financial services and introducing commercial banking to promote commerce and trade.

77. UNDP, in consultation with other agencies and partners, is planning to prepare an Interim Poverty Reduction Strategy Paper for Somalia. The document will provide an analysis of poverty in the country and indicate guidelines for national authorities and the international community.

78. UNDP is currently working with Somali remittance companies and other partners to look into feasible options of regulatory systems. Specifically, UNDP has encouraged dialogue between government authorities, Somali companies and international banking institutions to foster better understanding of the Somali remittance market and operations. UNDP aims to create an enabling environment for companies to comply with international financial rules and regulations by employing transparent systems and procedures.

79. With regard to infrastructure, the Civil Aviation Caretaker Authority for Somalia project of the International Civil Aviation Organization operates a Flight Information Centre in Nairobi, where it provides flight information service to en route air traffic. Aerodrome flight information service and rescue firefighting services are provided at Berbera, Bossaso and Hargeisa airports. The project provides steady employment for 97 Somalis deployed at the Flight Information Centre and at the three airports. A new Hargeisa passenger terminal building has been completed.

H. Coordination and security

80. The United Nations Coordination Unit, comprising the Office for the Coordination of Humanitarian Affairs (OCHA)-Somalia and UNDP staff, continues to play its mandated roles in support of coordination of humanitarian assistance activities and negotiation of humanitarian access throughout Somalia. In doing so, the Unit works in close collaboration with the Somalia Aid Coordination Body (SACB). The Humanitarian Response Group of SACB, a rapid response mechanism for emergency humanitarian situations, is chaired by the head of OCHA-Somalia on behalf of the Humanitarian Coordinator. The Group is currently coordinating efforts to respond to the crisis in Gedo, including the negotiation of access to the vulnerable communities and the delivery of relief assistance.

81. Important inter-agency assessments coordinated by the Unit during the reporting period included security and humanitarian assessments of Gedo in June 2001, of Bakool and central Gedo in September 2001 and of Bulla Hawa and its surroundings, as well as of the Bari region in December 2001.

82. The Unit continues to promote the wider application of humanitarian principles and ground rules and to structure relations with local authorities in Somalia on the basis of such principles and rules.

83. OCHA-Somalia is also continuing its activities to ensure a coordinated response to the special needs of internally displaced persons throughout Somalia. Most have little hope of returning to their home areas in the immediate future and have clustered in settlements in safer locations and urban centres. United Nations agencies and NGOs are undertaking limited activities to support them. More remains to be done, particularly in terms of the provision of water, sanitation, health education and protection. OCHA-Somalia is working with United Nations agencies, NGOs and local authorities in a concerted effort to complete a survey of the situation of internally displaced persons in order to facilitate the design of strategies and projects for both immediate and longer-term interventions.

84. The United Nations security system supported the humanitarian assistance community, including United Nations agencies, throughout the reporting period. To this end, the security team updated the Somali security handbook and has upgraded communication and security equipment to meet the minimum operating security standard in the four offices in Somalia. With the support of seven security officers in the various zones, the United Nations security team continues to monitor the security situation closely with a view to improving its response capacity and providing maximum protection for humanitarian staff. Continued donor support for security operations remains key for the continued successful identification of peaceful areas and the facilitation of safe access for United Nations staff.

I. Assistance provided by Member States

85. The implementation by the United Nations of humanitarian and development programmes in Somalia is made possible through donor contributions. The 2002 United Nations Inter-Agency Consolidated

Appeal for Somalia requests a total of US$ 83 million. To date, a total of $23 million has been contributed; this is equivalent to 28 per cent of the total requirements for 2002. In 2001, $29 million out of a total requested amount of $140 million was received through the Inter-Agency Consolidated Appeal.

86. For the programmes that rely solely on Consolidated Appeals Process funding, implementation has consequently been limited. Some of the affected programmes include key intersectoral activities focusing on human rights and gender. Agencies have utilized core funds or funds borrowed from other projects to address urgent needs particularly in the health sector. In the Somali context, lack of funding, or disproportionate funding, has cumulative adverse effects on the lives of many vulnerable civilians and the achievement of overall objectives and strategies.

87. As most activities are mutually reinforcing, funding requirements should be met as soon as possible and contributions should be evenly distributed across all key sectors to maximize impact and ensure complementarity.

IV. Conclusions

88. Poverty is still widespread and, sadly, Somalia remains one of the poorest countries in the world, with an estimated 700,000 vulnerable people living close to, or below, subsistence level. These vulnerable Somalis are prevented from rebuilding their livelihoods in a sustained manner, as insecurity too often disrupts progress and obstructs many of the programmes intended to assist them.

89. The security situation in many parts of Somalia remains volatile, affecting United Nations operations negatively. Although the United Nations is able to maintain a strong presence of international and national staff in the north-west, due to the relatively stable security environment, access to the north-east, central and southern areas remains restricted. Given that security-related programme disruptions directly cause greater suffering among the Somali people, Somali leaders in all parts of the country are called upon to ensure the safety of United Nations and NGO staff working in the areas under their control and to facilitate the provision of assistance to those most in need.

90. In spite of these obstacles, the United Nations, in collaboration with implementing partners, continues to deliver humanitarian and development assistance in many areas of Somalia. With more than 900 projects, the United Nations remains strongly committed to assist Somalia. Unfortunately, the low donor response to the consolidated appeals in 2001 and 2002 prevents United Nations agencies from fully addressing the emergency needs in Somalia. Member States are therefore urged to support humanitarian, recovery, and development activities in Somalia actively through the Consolidated Appeals Process and other mechanisms.

91. One of the main objectives of United Nations programmes in Somalia is to contribute to the elimination of all forms of discrimination against women and ensure the active participation of women in development and decision-making processes. Efforts are being made to eliminate harmful cultural practices and ultimately allow women in Somalia to enjoy their human rights fully. It is imperative that sustained, programmatic support be accorded to this endeavour.

92. The United Nations, with the support of the international community, will continue to work in support of national reconciliation and social and economic development in Somalia, employing an incremental approach of increased engagement. This approach is ultimately the most useful tool for providing humanitarian and development support. While continuing to provide assistance in secure areas, the United Nations will also undertake peace-building activities aimed at strengthening communities and encouraging reconciliation between rival factions. Member States are urged to contribute to the Trust Fund for Peace-Building in Somalia in support of these longer-term efforts.

93. Finally, as the humanitarian emergency in Somalia persists, as a result of various factors, including continuing inter-factional fighting, poverty and basic food insecurity, it is recommended that further reports on humanitarian activities and economic and social rehabilitation efforts in Somalia continue to be submitted to the General Assembly on a yearly basis.

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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the Secretary-General

Summary

In its resolution 56/28 of 29 November 2001, the General Assembly requested the Secretary-General, in his capacity as depositary of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and the Protocols thereto, to inform it periodically of the status of the Convention and its Protocols.

The present report provides information on actions taken on the Convention and its Protocols during the period from 1 June 2001 to 31 May 2002 and also contains the text of the amendment to article 1 of the Convention adopted at the Second Review Conference of the States Parties, held at Geneva from 11 to 21 December 2001.

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1. In its resolution 56/28 of 29 November 2001, the General Assembly requested the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform it periodically of the status of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons) and its Protocols.[1]

2. Pursuant to that request, the Secretary-General submits herewith information on the status of the Convention and its Protocols as at 31 May 2002:

(a) The following 89 States were parties to the Convention and at least two of its Protocols: Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan and Yugoslavia;

(b) In accordance with article 8, paragraph 1 (b), of the Convention, Amended Protocol II entered into force on 3 December 1998. As of 31 May 2002, 65 States had notified their consent to be bound by it;

(c) In accordance with the provisions of article 5 of the Convention, Protocol IV entered into force on 30 July 1998. As of 31 May 2002, 63 States had notified their consent to be bound by it;

(d) At the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held at Geneva from 11 to 21 December 2001, the parties to the Convention adopted, in accordance with the procedure laid down in article 8 (1) (b) of the Convention, the amendment to article 1 of the Convention as set out in the Final Declaration of the Second Review Conference (see CCW/CONF.II/2, part II, and annex I to the present report). In accordance with the provisions of articles 8 (1) (b) and 5 (1) of the Convention, the amendment to article 1 shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession. After its entry into force, in accordance with article 5 (2), the amendment shall enter into force for any other State which deposits an instrument of ratification, acceptance, approval or accession six months after the date on which the said State has deposited its instrument.

3. The Secretary-General also submits, in annex II to the present report, information on the action taken in the period under review, that is, from 1 June 2001 to 31 May 2002.

Notes

[1] The Convention, with its Protocols, the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), was opened for signature on 10 April 1981 and entered into force on 2 December 1983. The Review Conference of the States Parties to the Convention, convened in Vienna from 25 September to 13 October 1995 and in Geneva in resumed sessions from 15 to 19 January and from 22 April to 3 May 1996, adopted the Protocol on Blinding Laser Weapons (Protocol IV) on 13 October 1995 and amended Protocol II on 3 May 1996.

The text of the Convention and its original Protocols are reproduced in *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII, and in the publication *Status of Multilateral Arms Regulation and Disarmament Agreements*, fourth edition: 1992, vol. 1 (United Nations publication, Sales No. E.93.IX.11 (Vol. 1)). The texts of amended Protocol II and Protocol IV are reproduced in the publication *Status of Multilateral Arms Regulation and Disarmament Agreements*, fifth edition: 1996 (United Nations publication, Sales No. E.97.IX.3). The text of the amendment to article 1 is contained in the Final Declaration of the Second Review Conference (CCW/CONF.II/2, part II) and is reproduced in annex I to the present report.

Annex I

Amendment to article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The following decision to amend article I of the Convention in order to expand the scope of its application to non-international armed conflicts was made by the States Parties at the Second Review Conference, held from 11 to 21 December 2001. This decision appears in the Final Declaration of the Second Review Conference (CCW/CONF.II/2, part II).

[*The High Contracting Parties to the Convention ...*]

- DECIDE to amend Article I of the Convention to read as follows:

"1. This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article I of Additional Protocol I to these Conventions.

2. This Convention and its annexed Protocols shall also apply, in addition to situations referred to in paragraph 1 of this Article, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Convention and its annexed Protocols shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Convention and its annexed Protocols.

4. Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Convention or its annexed Protocols shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Convention and its annexed Protocols to parties to a conflict which are not High Contracting Parties that have accepted this Convention or its annexed Protocols, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

7. The provisions of Paragraphs 2-6 of this Article shall not prejudice additional Protocols adopted after 1 January 2002, which may apply, exclude or modify the scope of their application in relation to this Article."

Annex II

Action taken during the period from 1 June 2001 to 31 May 2002

A. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

State	Ratification, acceptance (a), approval (aa), accession (a) or succession (s)	Consent to be bound pursuant to article 4, paragraphs 3 and 4		
		Protocols		
		I	II	III
Bolivia	21 September 2001 (a)	x	x	x
Mali	24 October 2001 (a)	x	x	x
Nauru	12 November 2001 (a)	x	x	x
Morocco	19 March 2002	x	x	x

B. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, as amended on 3 May 1996 (Amended Protocol II)

State	Consent to be bound
Republic of Moldova	16 July 2001
Bolivia	21 September 2001
Mali	24 October 2001
Guatemala	29 October 2001
Nauru	12 November 2001
Morocco	19 March 2002
Croatia	25 April 2002

C. Protocol on Blinding Laser Weapons (Protocol IV)

State	Consent to be bound
Bolivia	21 September 2001
Bosnia and Herzegovina	11 October 2001
Mali	24 October 2001
Nauru	12 November 2001
Portugal	12 November 2001
Morocco	19 March 2002
Croatia	25 April 2002